



## Barry Levin

### Partner

San Francisco, New York

T +1 415 773 4565

E blevin@orrick.com

Barry S. Levin, a lawyer in Orrick's San Francisco office, is a member of the Litigation Group. His practice focuses on complex litigation with a special emphasis on insurance recovery matters.

### Practice Areas

- Complex Litigation & Dispute Resolution
- Insurance Recovery
- Financial Services Litigation
- White Collar, Investigations, Securities Litigation & Compliance

### Honors

- Ranked in *Chambers USA*, Insurance: Policyholder - California, 2003-2021
- Named "Top 10 Insurance Practitioners," 2017, and "Litigation Star and Local Litigation Star" *Benchmark: Litigation* 2017-2020
- Recognized in *Who's Who Legal* Insurance and Reinsurance 2007-2016
- Named "Lawyer of the Year" for Insurance-San Francisco by Best Lawyers 2010
- "Attorney of the Year Award," for Law Practice Management, *California Lawyer*, 2003

Barry is known in the market as "one of the most accomplished litigators," "very effective in pursuing compelling themes and tearing down witnesses with polite cross-examination" (2017 *Benchmark Litigation*), and as "a real seasoned veteran of high-stakes litigation" (2020 *Chambers USA*). Barry has also been commended by his peers as a "fabulous lawyer" who is "very well regarded and really knows the area" (2016 *Chambers USA*).

Barry has broad first chair experience in trial and arbitration, ranging from trial counsel for Johns-Manville Corporation in its coverage litigation involving asbestos-related bodily injury claims to successful domestic and international arbitrations on behalf of financial institutions, hospitals, and hospitality companies.

Over the past 8 years, Barry has developed extensive experience in issues arising out of the financial crisis, including a range of issues relating to mortgage backed securities and lending practices.

He is a frequent lecturer in the area of litigation, insurance coverage and law firm management. Prior to joining Orrick, Barry was a shareholder at Heller Ehrman LLP.

### Representative Engagements

The following is a sample of his notable cases.

- **Credit Suisse Securities (USA) LLC.** Barry is representing Credit Suisse in connection with lawsuits pending in the New York Supreme Court, brought by "monoline" insurer MBIA, seeking to deny coverage under a financial guarantee covering residential mortgage-backed securitizations, as well as suits brought by trustees seeking the repurchase of mortgages.
- **Ally Bank, GMAC Mortgage and Residential Funding Corporation.** Barry represented the companies in the defense of 12 separate suits filed by monoline insurer FGIC alleging breaches of representations and warranties.
- **Hewlett-Packard Corporation.** Barry represented Hewlett-Packard Corporation in a major first-party property and business interruption claim, pending in the United States District Court for

## Education

- J.D., Northwestern University School of Law, 1979, *magna cum laude*, *Order of the Coif*
- B.A., Political Science and Psychology, Washington University, 1976, *magna cum laude*

## Memberships

- American Law Institute, Advisor to Restatement of the Law of Insurance
- American Bar Association
- State Bar of California
- Association of Business Trial Lawyers
- Bar Association of San Francisco
- State Bar of District of Columbia

the Southern District of New York, arising out of a loss in the market for high end Unix servers.

- **Kelly-Moore Paint Company.** Barry represented Kelly-Moore Paint Company as lead trial counsel in a successful jury trial in San Francisco County Superior Court, seeking insurance coverage for asbestos-related liabilities. Ultimate recovery is confidential.
- **Johns-Manville Corporation.** Barry represented Johns-Manville Corporation as trial counsel in the Coordinated Asbestos Insurance Coverage Actions, involving Johns-Manville's claims for insurance coverage arising out of its asbestos-related liabilities. The ultimate recovery secured on behalf of the client was almost \$1 billion.
- **Century Indemnity Co. v. Bank of America, N.T. & S.A.** Barry represented Bank of America, N.T. & S.A. in connection with claims for "advertising insurance"; insurance coverage. The claims involved parallel actions in both California and Hawaii. (1997).
- **McCormick & Baxter Creosoting Co. v. St. Paul Fire & Marine Insurance Company.** Barry represented McCormick & Baxter in a landmark win before the Oregon Supreme Court, resolving key "long tail" coverage issues in favor of the policyholder.
- **Insurance Company of the State of Pennsylvania v. Syntex Corporation.** Barry represented Syntex Corporation as lead trial counsel in connection with claims for insurance coverage arising out of dioxin contamination in Times Beach, Missouri. The claims involved actions both in Missouri and California, as well as a three-month court trial and a five-month jury trial. (8th Cir. 1992).
- **Texaco Inc.** Barry represented Texaco Inc. in an action pending in California in connection with environmental coverage claims arising out of former Texaco operations throughout Canada.
- **Univar Corporation and Van Waters and Rogers.** Barry represented Univar Corporation and Van Waters and Rogers in connection with an insurance coverage action pending in King County, Washington, arising out of claims of alleged environmental contamination.
- **Granite Management Co.** Barry represented Granite Management Co. (the former First Nationwide Bank) in a series of lawsuits and claims involving insurance coverage for construction deficiency litigation.

## Admissions

- California
- New York
- District of Columbia