



## John D. Green

Partner

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John Green has over thirty years of experience recovering money from insurance companies under a broad range of insurance policies, including general liability, directors' and officers' liability, professional E&O, technology E&O, cyber liability, commercial property, and builders-risk policies. He has litigated, arbitrated, or mediated many high stakes coverage matters and has helped clients obtain a total of over \$1 billion in insurance recoveries.

His clients range from some of the world's largest multinational corporations to cutting edge technology companies; and matters he has handled range from high stakes mass tort litigation involving over 10,000 plaintiffs, to many novel insurance questions raised by Bay Area technology companies.

John brings to his practice an exceptionally deep knowledge of insurance coverage concepts, honed by over three decades of experience. He enhances this technical expertise with a pragmatic, business-oriented perspective that keeps the focus on the clients' ultimate goals and interests. As a negotiator, he strives to be straightforward and reasonable, but also seeks to obtain the optimal value on each claim. John believes in setting ambitious targets and devotes his energetic and enthusiastic effort to achieving those goals. He believes litigation should not be pursued for its own sake, but to achieve solutions that provide the best outcome for his clients.

### Distinctions

- *Best Lawyers in America* for Insurance Law (2021-2023)
- Best Lawyers of America, Lawyer of the Year Award (San Francisco) in Litigation-Insurance (2023)

### Memberships and Affiliations

- Fellow, American College of Coverage Counsel
- ABA Section of Litigation; Insurance Litigation Section; Tort and Insurance Practice Section

## Experience

### Claims Advocacy for D&O Liability Insurance for Securities Class Actions and Derivative Claims

We have represented numerous companies or their directors or officers in obtaining insurance proceeds to fund the defense and settlement of securities class actions and derivative settlements, including Chesapeake Energy, Intuitive Surgical, J.C. Penney and Finisar Corporation.

### Expert Witness Testimony on Captive Reinsurance

One of our partners served as expert witness on California insurance law on behalf of Camarin Ltd., a captive reinsurer for Weyerhaeuser. Camarin paid \$25 million in connection with a class action settlement and sought reimbursement from its reinsurer, Swiss Re. Swiss Re denied coverage, resulting in coverage litigation in

### Services

- Antitrust
- Energy + Infrastructure
- Insurance Recovery
- Product Liability and Stewardship
- Technology

### Education

- University of California, Berkeley, School of Law (J.D., 1985)
  - . first in class; Order of the Coif
- University of California, Berkeley (A.B., 1979)
  - . high honors
  - . Economics

### Bar Admissions

- California

British Columbia. The case involved novel issues of proving a reinsurance claim for a matter resolved by settlement where the reinsurance policy does not have a “follow the settlements” clause. The British Columbia courts held that Camarin was required to present a full trial of the class action as if it had not settled, but had gone to trial in 2003. The matter settled on favorable terms shortly after Camarin presented the expert reports constituting its case in chief.

#### **Environmental Coverage Litigation and Resolution**

We represented U.S. Borax, a mining and chemical company, in insurance coverage litigation over multi-state, multi-site environmental coverage clean-up costs involving over 80 policies issued over a 25-year period. After securing favorable Phase I rulings on key legal and policy interpretation issues, we obtained substantial recoveries in settlement on the eve of a jury trial and preserved coverage for potential future claims.

#### **Claims Advocacy and Litigation Over Coverage for Talc Ovarian Cancer Claims**

We are representing \$75B multinational mining company Rio Tinto in insurance coverage litigation in San Francisco Superior Court regarding coverage for the Johnson & Johnson Baby Powder Ovarian Cancer Litigation (Talc Ovarian Cancer Claims). The Talc Ovarian Cancer Claims involve approximately 14,000 personal injury claims filed across the country alleging that talc exposure caused the plaintiffs' ovarian cancer. This litigation recently resulted in a \$4B verdict against J&J, as well as a number of other large verdicts. Our firm's work involves not only the coverage litigation, but advice to the client on numerous other insurance issues raised by the claims.

## **Publications**

6/27/2017

**There May Be Coverage for the Defense and Settlement of FTC Claims**

9/25/2015

**Insurer Must Still Defend Even if Covered Claims Are Dismissed**

9/24/2015

**Claims For Defective Solar Panels Could Be Covered By General Liability Insurance**

9/15/2015

**Insurance May Cover Call Recording Class Actions**

7/23/2015

**Claims for Defective Solar Panels Are Covered by CGL Insurance**

6/15/2015

**Insurance May Cover Call Recording Class Actions**

7/28/2014

**Court Finds Coverage For Settlement Of Restitution Claim**

Winter 2013

**California Court of Appeals Clarifies Carrier's Duty to Settle**

November 2011

**Developments in Insurance Law**

4/22/2010

**The Truth About “Tendering” a Claim**

4/2/2010

### The Myth of “Accident-Based” Policies

2/5/2010

**“Impaired Property Exclusion” Doesn’t Apply Where Repair Requires More Than “Simply” Replacing Insured’s Product or Work**

1/29/2010

**Rebutting Insurer Myths About Rescission Under California Law**

1/30/2008

**Alert: Liability Insurance Policies Don’t Cover Settlements, Only Judgments, Court Rules**

## Outside the Office

John loves to travel, with recent trips with his family to Portugal, Spain, Italy, Morocco, Bali, and Singapore. He also plays guitar and golf, and has an interest in art. He is active in his local art community, including the SFMOMA Curators’ Circle.