

LAW OFFICES OF CHARLES PLATTO

MEMBER OF NEW YORK, VERMONT AND NEW HAMPSHIRE BARS

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CHARLES PLATTO CURRICULUM VITAE

EDUCATION

University of Pennsylvania, B.A., 1966
University of Michigan Law School, J.D., *cum laude*, 1969
Assistant Editor, Michigan Law Review
New York University School of Law, L.L.M., 1974

PROFESSIONAL EXPERIENCE

Reginald Heber Smith Community Lawyer Fellow, 1969-1971

Cahill Gordon & Reindel

Associate, New York and Paris (as conseil juridique), 1971-1979

Cahill Gordon & Reindel, New York

Partner, 1980-1991

Chairman, Litigation Education Committee, 1987-1991

New York University School of Law, New York

Adjunct Associate Professor of Insurance Law, 1990-1994

Brooks McNally Platto & Vitt, Norwich, VT and Hanover, NH

Partner, 1991-1999

Vermont Law School, South Royalton, VT

Adjunct Professor of Insurance Law, 1993 - 2006

Salans Hertzfeld & Heilbronn, New York

Partner in charge of United States practice, 1994-1997

Law Offices of Charles Platto, PLC, Norwich, VT, Hanover, NH and
New York, NY, *Partner*, 1999 - 2006

Fordham Law School, New York

Adjunct Professor of Insurance Law, 2002 - present

Wiggin and Dana LLP, New York

Partner in charge of national insurance practice, 2007 – 2009

Law Offices of Charles Platto, New York

(domestic and international commercial and insurance arbitration, mediation, expert witness services, litigation oversight/management)
2009 - present

SEE ATTACHED EXPERIENCE STATEMENT

**INSURANCE LAW
EXPERIENCE**

Represented insurance companies, brokers and insureds in complex domestic and international insurance and reinsurance litigations, arbitrations, mediations, and regulatory proceedings and coverage matters for more than twenty-five years. Argued appeals for insurance industry before New York Court of Appeals and before the Vermont Supreme Court.

Lecturer on New York insurance law issues and SuperStorm Sandy coverage issues for the American Arbitration Association

Expert witness on insurance issues in court and arbitration proceedings

Advisor on claims adjusting procedures

New York and national coverage counsel to leading insurance organization on environmental/professional liability issues

Adjunct professor, teaching Principles of Insurance Law and Insurance Litigation at New York University School of Law, Vermont Law School and Fordham Law School

Retained by national insurance trade associations to submit amicus briefs to U.S. Supreme Court and New York Court of Appeals and Appellate Division

Editorial Board, Insurance Litigation Reporter (Thomson/Reuters)

New York Super Lawyers, Insurance Coverage, 2010-present

**INTERNATIONAL LAW
EXPERIENCE**

Involved in international commercial and litigation matters since 1974. Practiced for two years in Paris. Have written and lectured widely on international litigation matters. Past Chair, IBA International Litigation Committee. Chairman, International Chamber of Commerce Arbitration Tribunal. ICDR and CPR Panel Member.

**BUSINESS &
COMMERCIAL
LITIGATION,**

Over twenty-five years experience in a wide range of general business and commercial litigation, arbitration and mediation matters, representing large and small companies in contract negotiations and drafting and business disputes. Arbitrator in ICC and AAA matters.

ARBITRATION & MEDIATION

Counsel in JAMS and private and court mediations. CPR Distinguished Panels of Neutrals for Insurance, Environmental, New York. ICDR (AAA International Centre for Dispute Resolution), panel of international arbitrators. AAA National Commercial Arbitration and Mediation Roster of Neutrals and Special AAA Superstorm Sandy Mediator Panel for New York and New Jersey. EDNY Superstorm Sandy Mediation Panel. Mediator for Ken Feinberg New York Sandy mediation program. New York and New Jersey Courts mediation rosters. Member and certified arbitrator and mediator, ARIAS (AIDA Reinsurance and Insurance Arbitration Society) and REMEDI (Reinsurance Mediation Institute). Member, and registered arbitrator, mediator, expert, ICC United States Council for International Business. Panel member, FedArb.com., NYIAC (New York International Arbitration Center), FINRA (Financial Industry Regulatory Authority), arbitrator and mediator.

ARBITRATION/ MEDIATION TRAINING

Center for Public Resources (CPR) International Institute for Conflict Prevention and Resolution Advanced Arbitration Course, 2009.

Association of the Bar of the City of New York Basic Mediation Course, 2009, Advanced Commercial Mediation Course, 2010.

ARIAS (AIDA Reinsurance and Insurance Arbitration Society) Arbitration Certification Training, seminars and ethics course, 2010, 2014, 2016.

REMEDI (Reinsurance Mediation Institute) Mediation course, 2010.

ICDR/IBA International Arbitration, 2011

ICDR International Symposium in Advanced Case Management Issues, 2012

AAA Core and Advanced Mediation Training program and seminars, 2013-2016.

FINRA training programs 2016

ICC Master Arbitration course 2016

BAR ADMISSIONS

New York, 1970

United States District Court for the Southern District of New York, Eastern District of New York and Court of Appeals for the Second Circuit, 1972

United States Supreme Court, 1974

United States Court of Appeals for the Ninth Circuit, 1990

Vermont and New Hampshire (state and federal), 1992

BAR ASSOCIATION ACTIVITIES

New York State Bar Association, *Chairman*, Committee on Commodities and Futures Law, 1984-1987; *Member*, Executive Committee, Business Law Section 1984-1990; *Representative*, House of Delegates 1987-1990; *Member*, Insurance Negligence and Compensation Law Section and Dispute Resolution Section

International Bar Association, *Chairman*, International Litigation Committee, 1988-1992; *Chairman*, Task Force on Economic Consequences of Litigation - Worldwide, 1992-1999; *Program Coordinator and Lecturer* on diverse aspects of international litigation and arbitration, including insurance

American Bar Association, *Member*, Tort, Trial and Insurance Practice Section and Litigation Section; *Vice Chair*, TIPS Insurance Coverage Litigation Committee, *Chair*, Academics Subcommittee, 2009 –present; member Litigation ICLC, 2012-present

Vermont and New Hampshire Bar Associations, *Member*

Association of the Bar of The City Of New York, *pastMember*, **International Commercial Disputes and Arbitration Committees**

MOOT COURTS

Judge, moot court trial and appeal programs at McGill, New York University and Vermont Law Schools

PUBLICATIONS

Books

Editor and Contributor, Obtaining Evidence in Another Jurisdiction in Business Disputes (Graham & Trotman 1988 and second edition 1993).

Editor, Enforcement of Foreign Judgments World Wide (Graham & Trotman 1989 and second edition 1993).

Editor and Contributor, Pre-Trial and Pre-Hearing Procedures Throughout the World (Graham & Trotman 1990).

Editor, *Worldwide Trials* (Graham & Trotman 1991).

Editor and Contributor, *Civil Appeal Procedures Worldwide* (Graham & Trotman 1992).

Co-Editor (with David Rivkin), *Litigation and Arbitration in Central and Eastern Europe* (Kluwer Law International 1998).

Editor, *Economic Consequences of Litigation Worldwide* (Kluwer Law International 1999).

Co-Editor (with Wiggin and Dana), *The Handbook on Additional Insureds* (ABA TIPS ICLC 2012).

Chapters

Chapter 24, Addressing Insurance Coverage Issues Specific to Products Liability Issues, Products Liability in New York (NYSBA 1997), Second Edition 2001, Third Edition 2013).

Chapter 9, Principal Exclusions, The Reference Handbook on The Comprehensive General Liability Policy (ABA TIPS ICLC 2010), Second Edition on Commercial General Liability Policy, (2014)

Articles

Taking Evidence Abroad for use in Civil Litigation in the United States A Practical Guide, The International Lawyer (Summer 1982).

Survey of New York Class Action Decisions, New York State Bar Association (1982) (with Robert Alessi).

National Class Actions in the New York State Courts, New York Law Journal (April 11, 1983) (with David Snyder).

U.S. Supreme Court Establishes Rules for Discovery of Foreign Parties: The Aerospatiale Case, The International Business Lawyer (September, 1987) (with Edwin Alley).

New York Rejects "Bad Faith" Tort and Limits Punitive Damage Claims and Statutory Deceptive Practices Claims against Insurers: New York University v. Continental Ins. Co., ABA Fidelity and Surety Law Newsletter (Spring 1996) (with Diane Bech).

Mail Fraud Meets Insurance Law: United States v. Brennan, Insurance Law Reporter (December; 1998) (with William T. Barker).

A Practical Guide to the Use of Experts in Insurance Claim Adjustment, 23 Insurance Litigation Reporter 133 (April, 2001) (with William T. Barker) (also published in Bad Faith Insurance Litigation Lexis/Nexis 2010).

A Legal Theory of the Use of Experts in Insurance Claim Adjustment, 23 Insurance Litigation Reporter 140 (April, 2001) (with William T. Barker and Polly Estes) (also published in Bad Faith Insurance Litigation Lexis/Nexis 2010).

New York’s New “Good Faith” Standard – What does it Mean for “Bad Faith”?: Bi-Economy Market, Inc. v. Harleystown Ins. Co. (N.Y.); Panasia Estates, Inc. v. Hudson Ins. Co. (N.Y.), Insurance Litigation Reporter, Vol. 30, No. 6 (April 2008) (with Rachel Lebejko Priester and Sujata Gadkar-Wilcox).

New Developments in The New York Law of Good Faith and Bad Faith, Tort Trial Insurance Practice Insurance Coverage Litigation Committee News, American Bar Association (Summer 2008) (with Rachel Lebejko Priester and Sujata Gadkar-Wilcox).

What Is The Law of Bad Faith in New York Two Years After Bi-Economy and Panasia – Have The Questions Been Answered? Insurance Litigation Reporter, Vol. 32, No. 3 (Mar. 2010) (with Joseph Grasso, Rachel Lebejko Priester and Alison Weir). (ABA TIPS ICLC News, 2011).

Gulf Oil Catastrophe-Round 1, Transocean Insurers vs. BP Additional Insured Claim, Insurance Litigation Reporter, Vol. 32, No. 9 (June 2010) (with Joe Grasso)

Resolving Catastrophic Multi-Party Construction Insurance Cases – Is Mega Million Dollar Litigation The Solution? (ABA Annual Meeting Program, August 2010) (with co-authors)

Gulf Oil Catastrophic Insurance Coverage Claims – Update, BP Counterclaims Against Transocean’s Excess Insurers, Insurance Litigation Reporter, Vol. 32 No. 14 (August 2010)(with Joseph Grasso)

Insurance/Reinsurance Arbitration and Mediation, NYSBA White Paper (January, 2011) (with Peter Scarpato and Simeon Baum)

Lloyd's Syndicate Named as Defendant in U.S. Suit Against BP and Others, Insurance Litigation Reporter, Vol. 33 No. 1 (Feb. 2, 2011) (with Joseph Grasso)

In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010, Insurance Litigation Reporter, Vol. 33 No. 20 (Dec. 8, 2011) (with Joseph Grasso and Michael Menapace)

In Re: Deepwater Horizon Insurance Litigation – Fifth Circuit Reverses in favor of BP's Additional Insured Claim, Insurance Litigation Reporter, Vol. 35 No. 4 (March 18, 2013) (with Joseph Grasso and Michael Menapace), republished in ABA Litigation section ICLC Coverage Journal (March-April 2013)

Eight Years after Bi-Economy and Panasia, What is the Law of Bad Faith in New York?, Insurance Litigation Reporter, Vol. 38, No. 4 (July 26, 2016) (with Joseph Grasso)

Platto CV 2017

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DOMESTIC AND INTERNATIONAL COMMERCIAL AND INSURANCE ARBITRATION/MEDIATION/EXPERT WITNESS/LITIGATION OVERSIGHT AND MANAGEMENT EXPERIENCE

Center for Public Resources (CPR) International Institute for Conflict Prevention and Resolution Panels of Distinguished Neutrals for Insurance, Environmental and New York.

International Centre for Dispute Resolution (ICDR) (International Division of AAA), panel of international arbitrators.

ICC Council of International Business, registered arbitrator, mediator, expert.

American Arbitration Association (AAA) National Roster of Commercial Arbitrators and Mediators and Special Superstorm Sandy Mediator Panels for New York and New Jersey.

New York and New Jersey State Court mediator rosters; EDNY general and Superstorm Sandy mediator rosters.

ARIAS certified arbitrator and mediator.

FINRA arbitrator and mediator.

FedArb.com arbitrator and mediator.

Chair of 3 member ICC arbitration panel in dispute between U.S. airline and French electronics manufacturer over flight simulator contract. Completed discovery/hearing/written decision and award in 6 months.

Appointed as arbitrator by one of the largest US banks in AAA arbitration with major retailer over national credit card program following subprime crisis. Following court order, case was prepared for hearing on expedited basis with statements of twenty fact and expert witnesses in 3 months.

Appointed as arbitrator by acquiring company in AAA arbitration over post acquisition adjustments.

Panel member in CPR international commercial arbitration between U.S. and Israeli companies in technology licensing dispute. Award issued following seven days of hearing testimony.

Chair of independent panel in international insurance coverage arbitration between U.S. based carrier and Australian insured.

Appointed by both parties in AAA proceeding as sole arbitrator in domestic reinsurance dispute.

Appointed by both parties in AAA arbitration as panel member in complex insurance coverage dispute.

Sole arbitrator in expedited AAA proceeding in franchise dispute.

FINRA arbitrator in dispute over sale of financial instruments.

Representative of insurance carrier on appeal to South African Supreme Court in successfully challenging lower court decision overturning ICC arbitration on nine figure claims and counterclaims with respect to software design/installation contract dispute with government entity.

Appointed by American Arbitration Association to train mediators on Insurance coverage and law issues for AAA Superstorm Sandy mediation programs in New York and New Jersey; appointed to AAA, Ken Feinberg and EDNY Superstorm Sandy Mediation panels; served as mediator in more than 200 Superstorm Sandy mediations.

Mediator in multiple commercial, financial, real property, mergers and acquisitions, employment, contract and domestic relations disputes.

Represented foreign insurance carrier in JAMS mediations against US carrier on priority of coverage with regard to claims for 9/11 security breaches.

Represented professional liability carrier in mediations with international insured involving coverage, liability and damages for multiyear/multi event/multi jurisdiction / multi policy claims subject of state and federal court litigation.

Represented environmental insurance carrier in federal court sponsored mediation before magistrate judge at conclusion of lengthy litigation proceeding.

Represented medical insurance carrier on bad faith claim in court sponsored mediation following 8 figure jury award in medical malpractice case.

Represented cgl carrier in voluntary mediation with another carrier regarding coverage periods and allocation of responsibilities for defense/indemnification.

Represented carriers in reinsurance arbitrations.

Represented national insurance broker in mediation involving claims of wrongful conduct by agent.

Represented NYSE direct marketing company in JAMS and court sponsored mediations on contract and equipment leasing disputes.

Expert witness on New York law on behalf of insurance carrier in London arbitration on number of occurrence issue.

Expert witness on behalf of carrier in federal court on bad faith claim with regard to claims handling.

Expert witness on contract issues in banking dispute.

Expert witness and mediation consultant in equipment breakdown insurance policy dispute.

Co-counsel to major creditor in debt recovery actions to enforce arbitration award against foreign government.

Advisor/counsel to insured in coordinating coverage claim with party settlement.

Managed litigation response, including multiple law firms and expert witnesses as outside counsel on behalf of carrier with respect to government investigation following major natural disaster.

Established and managed law firm litigation and insurance practices.

Head of U.S. practice of foreign law firm; practiced in Paris for 2 years.

Headed International Bar Association task force on worldwide litigation practices and procedures over multi-year period.

Adjunct Professor of Insurance Law and Litigation at Fordham, Vermont and NYU Law Schools.

Member, ICC United States Council for International Business – Advanced ICC Master Arbitrator Training

Center for Public Resources (CPR) International Institute for Conflict Prevention and Resolution – Advanced Arbitration Course.

Association of the Bar of the City of New York – Basic Mediation Course and Advanced Commercial Mediation Course.

ICDR and AAA Mediation and Arbitration training courses.

ARIAS (AIDA Reinsurance and Insurance Arbitration Society) and REMEDI (Reinsurance Mediation Institute), certified ARIAS arbitrator and mediator, member - arbitration certification course and mediation course, and seminars and ethics courses.

FINRA, arbitrator and mediator training courses.

Fed Arb arbitrator and mediator

New York Super Lawyers, Insurance Coverage (2010-present)

Platto Experience Statement, January, 2017