



# Melissa Brill

Co-Chair, Global Insurance Department  
Regional Manager, Global Insurance Department – Northeast

## New York

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Melissa Brill represents commercial general liability, professional liability, excess/umbrella liability, and property insurers in complex litigation throughout the country, including bad faith disputes. She counsels and represents insurers in many industries, and with regard to a wide variety of coverage issues, including construction defect, builder's risk, product liability, additional insured status, and priority of coverage. Melissa also represents clients in commercial litigation and appeals.

Melissa was recently elected as a member of the Federation of Defense & Corporate Counsel (FDCC). The FDCC comprises U.S. and international peer-reviewed leaders of the civil defense, corporate legal, and insurance industries. Membership in the FDCC is limited and by nomination only, and admission requires a rigorous peer review.

Melissa has served on the Board of Directors of Homesite Insurance Company of New York and several non-profits, Young Leadership Counsel, Big Brothers Big Sisters, and Park Slope Afterschool Center Corps (PSACC). Melissa has been named to Cozen O'Connor's Pro Bono Honor Roll every year for the past 12 years for her representation of pro bono clients. Her pro bono representations include enforcing women's rights under the Violence Against Women Act, seeking asylum in the United States on behalf of unaccompanied minors, and obtaining reparations for Holocaust victims.

Melissa regularly presents on various topics including excess and umbrella insurance, negotiation strategies, role of coverage counsel, issues impacting multi-national claims handling, construction defect coverage, and more.

Melissa received her Bachelor of Arts in East Asian Studies and Japanese Language from Pennsylvania State University in 1991. Melissa earned her law degree, with honors, from Temple University – Beasley School of Law in 1995. After law school, she clerked for the Honorable Edward Biester of Pennsylvania.

## Experience

Secured dismissal of a declaratory judgment action filed by an insured motel seeking coverage for underlying lawsuits by sex trafficking victims, who alleged that the motel ignored open and obvious signs of sex trafficking. In granting the motion to dismiss, the court accepted our argument that sex trafficking is clearly against Pennsylvania public policy and therefore is not insurable.

Won a judgment of more than \$22 million in favor of our client, a London-based commodities trader, in a breach of contract and fraud matter it filed against a Greek shipping company and individual co-defendants in New York state court. The trial court entered judgment against the defendants after it was discovered that one of them intentionally destroyed thousands of relevant emails and had repeatedly attempted to mislead the court. This result was unanimously affirmed on appeal. We also secured dismissal, as a bad faith filing, of a personal bankruptcy case one of the co-defendants filed in North Carolina.

Successfully moved to dismiss a declaratory judgment action in which the owner of a new residential

## Practice Areas

- Insurance Coverage
- Casualty & Specialty Lines Coverage
- Appellate & Supreme Court
- Bad Faith

## Industry Sectors

- Insurance

## Education

- Temple University—James E. Beasley School of Law, J.D., 1995
- Pennsylvania State University, B.A., 1991

## Bar Admissions

- New Jersey
- New York

## Court Admissions

- U.S. District Court -- Eastern District of New York
- U.S. District Court -- Eastern District of Pennsylvania
- U.S. District Court -- New Jersey
- U.S. District Court -- Southern District of New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court -- Northern District of New York

## Affiliations

- Federation of Defense & Corporate Counsel
- Defense Association of New York
- Defense Research Institute
- New York State Bar Association
- Professional Liability Underwriting Society
- Claims and Litigation Management Alliance

## Awards & Honors

- Expert Guides: Insurance & Reinsurance
- Selected to N.J. Super Lawyers. This award is conferred by Super Lawyers. A description of the selection methodology can be found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.
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has been approved by the Supreme Court of New Jersey.

- Lawyer Monthly Magazine, Women in Law Awards 2023 Insurance

### Clerkships

Honorable Edward Biester, The Court of Common Pleas of Bucks County, 7th Judicial District of Pennsylvania

building in New York City sought a declaration that our client was obligated to defend and indemnify it for repair and remediation costs it incurred when the building at the construction project, and the building next door, were allegedly damaged by a subcontractor insured by our client. Defeated the plaintiff's argument that it qualified as an additional insured because the insured's subcontract incorporated the insurance and indemnification provisions of the trade contract between the owner and the general contractor. In granting the motion to dismiss, the court agreed that the incorporation clause was binding only as to prime contract provisions relating to the scope, quality, character, and manner of the work to be performed by the subcontractor and not to insurance and indemnity provisions, which must be strictly construed.

Represented a national insurance organization, which was sued in SDNY for RICO violations by the president of the sole shareholder of an insolvent insurance company. Plaintiff alleged a decade-long pattern of racketeering activities and conspiracies to defraud US insurance consumers. After motion to dismiss the claims against the client was granted, the shareholder entity brought a separate RICO action against the insurance organization in the SDNY. The court again granted a motion to dismiss the claims against the client, and the entity appealed to the Second Circuit. The Second Circuit affirmed the decision dismissing the RICO complaint.

Represented an Italian product manufacturer, and obtained a trial court order dismissing the manufacturer for lack of personal jurisdiction. New York's Appellate Division, First Department unanimously affirmed on appeal.

New York's Appellate Division, Second Department affirmed a trial court order granting summary judgment to our client, an insurer in action involving coverage for a night club that was destroyed by fire caused by a break-in and arson. The insurer had a warranty requiring a burglar alarm be fully operational. The insured had the required burglar alarm, but it was not in use on the night of the fire. Coverage was denied for breach of the warranty. The insured sued and argued among other things that "fully operational" was ambiguous, and required only that the alarm be usable, not in use. The trial court disagreed with and granted summary judgment. The Second Department affirmed on appeal.

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