



JONATHAN M. COHEN

Jonathan Cohen's focus at Gilbert LLP is on the litigation and resolution of complex, multiparty disputes involving insurance, product liability, and supply-chain issues. Jonathan also counsels clients to help prevent such issues from ever arising.

Jonathan has represented corporate and other policyholders with respect to a wide range of coverage matters, including bodily injury and property damage coverage, food-contamination coverage, asbestos coverage, product recall coverage, technology-related property damage coverage, advertising injury coverage and pharmaceutical-related coverage issues, and directors' and officers' coverage. Jonathan has worked at the forefront of insurance issues relating to mass-tort bankruptcies, representing corporate debtors, claimant committees and bankruptcy trusts in numerous proceedings and negotiations. Additionally, Jonathan has advised corporate and other clients regarding the legal side of risk management and insurance placement.

Some examples of Jonathan's recent representations include:

- Representing a Fortune 500 food company in insurance negotiations and litigation, including before the Delaware Supreme Court, to secure coverage for claims arising from allegedly tainted peanut butter.
- Arguing insurance-related issues in a U.S. District Court in an appeal in an asbestos bankruptcy case involving more than a billion dollars in insurance assets
- Serving as an expert regarding insurance issues in a diacetyl-related bankruptcy.
- Representing a Global Fortune 500 food company in insurance recovery efforts relating to claims and losses arising out of the use of an allegedly contaminated food flavoring.
- Advising a Fortune 100 pharmaceutical company with respect to insurance claims for various pharmaceutical and asbestos-containing products
- Representing an international food company in negotiating with insurers to secure payments for claims and losses arising from allegedly tainted canned food products.
- Negotiating insurance settlements for claimant committees and a future claimant representative in numerous asbestos-related bankruptcies, securing substantial insurance recoveries for the benefit of the creditors
- Negotiating an insurance settlement agreement for an insulation contractor regarding asbestos-related liabilities, securing hundreds of millions of dollars for the client
- Representing asbestos bankruptcy trusts in litigation and negotiations to successfully obtain insurance coverage for predecessor companies' liabilities
- Conducting a risk and insurance audit for a privately held food company.
- Negotiating language of product recall insurance policies for three major food manufacturers.
- Counseling a claimant committee in a significant hospital bankruptcy with respect to insurance coverage for directors' and officers' claims and medical malpractice liabilities
- Counseling a large food manufacturer with respect to insurance-related aspects of a merger.

PARTNER

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EDUCATION

- 1997 — Ph.D. (Sociology), University of Chicago
- 1995 — J.D., University of California, Berkeley, Boalt Hall School of Law
- 1989 — M.A., University of Chicago
- 1989 — B.A., University of Chicago

BAR AND COURT ADMISSIONS

- District of Columbia
- Maryland
- U.S. Supreme Court
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Eastern District of Michigan

PRACTICE AREAS

- Alternative Dispute Resolution
- Bankruptcy & Reorganization
- Complex Litigation
- Insurance

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- Arguing an appeal in U.S. District Court in a case involving confidentiality issues under an insurance settlement agreement
- Advising a Fortune 500 food company with respect to potential insurance coverage for consumer protection and mislabeling claims.
- Counseling two food companies on the renewal of their insurance portfolios.

Jonathan also has an active pro bono practice and is chair of the Firm's Pro-Bono Committee. Together with other Gilbert LLP lawyers, Jonathan wrote amicus briefs in five U.S. Supreme Court cases involving race-based civil rights issues, including affirmative action cases, a case involving Native Hawaiians' land rights, and a case involving a voter identification requirement. He also wrote an amicus brief in the Ninth Circuit Court of Appeals in the "Don't Ask Don't Tell" case. He assisted a client in preparing testimony before Congress supporting the reauthorization of the Voting Rights Act. He authored a brief filed in the Fourth Circuit Court of Appeals successfully challenging the constitutionality of INS regulations on behalf of a Kosovar Albanian applying for political asylum. Jonathan served as pro bono counsel in three immigration-related appeals in the Ninth Circuit Court of Appeals. He negotiated a change in the policy of the Washington, D.C. police department regarding the unconstitutional use of a collateral requirement as applied to homeless individuals. Jonathan also provided insurance-related advice with respect to the federal September 11 Victims' Compensation Fund.

Prior to entering private practice, Jonathan served as a law clerk for Judge Ferdinand Fernandez of the U.S. Court of Appeals for the Ninth Circuit. Additionally, he assisted Justice Ruth Bader Ginsburg of the U.S. Supreme Court in preparing for her confirmation hearing before the Senate Judiciary Committee.

Noteworthy

- Executive Committee, Board of Trustees, National Park Trust, 2010 - present
- National Advisory Counsel for the Asian American Justice Center, 2008 - present
- Board of Editors, *The Corporate Counselor*, 2007 - present
- Editor-in-Chief, *International Tax and Business Lawyer*, 1994 - 1995
- Co-Chair, Bankruptcy and Insolvency Subcommittee of the Insurance Coverage Litigation Committee of the ABA Section of Litigation, 2010 - present
- Black belt in Tae Kwon Do

NEWS

- *Missouri Federal Judge Strikes Expert Testimony In Asbestos Coverage Suit*, Mealey's Litigation Report: Asbestos, April 18, 2012
- *Cross Border Transactions*, President & CEO, October 2011
- *Midwest Flooding Has Long-Term Supply Chain Impact*, supplychaindigital.com, September 2011
- *Asian American Organizations Lead Amicus Brief Challenging Don't Ask, Don't Tell*, April 5, 2011

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- *Specialty Insurers May Thrive On New Food Regs*, Law 360, January 25, 2011
- *Risk Prevention, Mitigation Key with Product Recalls*, Business Insurance, May 4, 2009
- *Food Recall Insurance Payout: How Not to Get Tied Up in Knots*, GMA Forum Centennial Issue, September 2008
- *Backdating Suits Seek More Than Reforms*, Business Finance, May 1, 2007
- *Back to Backdating*, Risk and Insurance, April 2007
- *GHR Receives Pro Bono Award*, October 7, 2004
- *On the Move*, Legal Times, January 19, 2004

ARTICLES & PUBLICATIONS

- *Staying Afloat Through The Flood: Contingent Business Interruption Insurance May Pay For Losses Caused By Supply-Chain Disruptions Resulting From The Mississippi River Flooding*, The Corporate Counselor, July 2011
- *Managing Supply-Chain Risks Post Goodyear*, McIntyre, Law360, July 18, 2011
- *Off-Label Drug Marketing: Limiting Potential Liability Through Risk and Claims Management*, Bloomberg Law Reports, July 15, 2011
- *Five Steps for Managing the Risks Associated with Sensitive Data*, The Corporate Counselor, June 2010
- *Managing Food Product Liability Risks in the New Decade*, Food Safety Magazine, April 2010
- *Five Tips for Recovering Insurance Coverage For HVP Recalls And Claims*, March 10, 2010
- *Bankruptcy Court Sets Bar Date for Peanut Corporation of America Claims*, May 27, 2009
- *Managing the Risks of Chinese Manufacturing and Imports*, The Corporate Counselor, June 1, 2008
- *Protecting Against Product Liability and Recalls*, Risk & Insurance, April 15, 2008
- *Insurance Coverage for Contractors' Asbestos Liabilities: Key Settlement Issues*, NIA News, January 2008
- *Non-Products Coverage for Contractors' Asbestos Liabilities*, NIA News, August 2007
- *Plan Response to Food Crisis*, California Farmer, April 9, 2007
- *Protecting Your Company From Consumer Protection Claims*, The Corporate Counselor, March 30, 2007
- *On Backdating Battles*, Legal Times, August 21, 2006
- *A New Front in the Backdating Stock Options Battle*, San Jose Business Journal, August 4, 2006

SEMINARS & EVENTS

- *Grocery Manufacturers Association Food Claims and Litigation Conference*, February 21, 2012
- *Food Safety Claims: Products Liability Issues*, Mastering the Standards for Fault, Causation, and Damages in Foodborne Illness Litigation, December 8, 2011

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- *5th National Forum on Food-Borne Illness Litigation*, Advanced Strategies for Defending High Profile Food Contamination Claims, November 30, 2011
- *RIMS 2011 Annual Conference and Exhibition*, Recall Planning and Execution: Strategies for Managing and Paying for Recall Risks, May 1, 2011
- *Grocery Manufacturers Association 2011 Food Claims and Litigation Conference*, Who Pays for the Losses Resulting from Food-Related Product Contaminations and Recalls?, February 22, 2011
- *Food Safety Compliance Strategies*, Regulatory and Legislative Updates and Best Practices in Traceability, Pathogen Prevention, and Quality Assurance, September 23, 2010
- *Food Safety Regulatory Compliance*, Responding to Increased Government Enforcement, Product Scrutiny & Litigation Exposure, June 28, 2010
- *Grocery Manufacturers Association Food Claims and Litigation Conference*, What Every Food Industry Defense Lawyer Needs to Know about Bankruptcy, February 24, 2010
- *Chinese Manufacturing and Imports: Effective Approaches for Anticipating Challenges and Managing Risks*, American Conference Institute, November 11, 2009
- *URMIA 40th Annual Conference*, Tuning Your Risk Management Skills, September 12, 2009
- *RIMS 2009 Annual Conference and Exhibition*, Food for Thought: Managing the Risks of Product Liability and Recalls, April 21, 2009
- *13th Annual Drug and Medical Device Litigation*, Expert Strategies for Leading Litigators and In-House Counsel, December 10, 2008
- *Food Borne Illness Litigation*, Advanced Strategies for Assessing, Managing and Defending Claims of Food Contamination, December 3, 2008
- *Food and Product Recall Strategies: Insurance Coverage Issues-A Comprehensive Overview*, Mealey's Conference, April 14, 2008
- *Managing the Risks of Manufacturing in China: Determining the Appropriate Levels of Insurance for Your Risk Exposure and Evaluating Which Insurance Products Will Prove Most Effective*, American Conference Institute, February 28, 2008
- *American Conference Institute: Defending Fraud Claims in Consumer Class Actions*, October 15, 2007
- *Defending Consumer Protection Class Actions: Consumer Products Crisis Management -- Dealing with the Media Frenzy and Preserving Your Corporate Integrity*, May 21, 2007