



SR INTERNATIONAL BUSINESS INSURANCE, LTD. v. WORLD TRADE CENTER PROPERTIES, LLC, ET AL. (S.D.N.Y., 2004)

One vs. Two: It's all about belief.

THE CLIENT: WACHTELL, LIPTON, ROSEN & KATZ

THE CASE: Wachtell, Lipton, Rosen & Katz, counsel for World Trade Center Properties LLC and Silverstein Properties, successfully argued during the second phase of the trial that the 9/11 terrorist attacks on the World Trade Center towers constituted two separate “occurrences” under the terms of the insurance policies. Nine insurance companies involved in the second phase of the litigation had argued the coordinated attack of two aircraft only constituted one “occurrence” necessitating one payment of \$1.1 billion.

THE TRIAL: Wachtell, Lipton hired DOAR to provide strategy consulting, trial graphics, presentation technology and trial technology. Our experienced litigation strategists and trial technicians worked alongside the trial team, in both the war room and courtroom. They delivered a compelling array of demonstratives that bolstered oral testimony and supported opening and closing arguments.

SPECIFIC CONTRIBUTIONS INCLUDED:

- “Framing” the case for jurors in terms of “property insurance.” This required defining and illustrating the term “occurrence” and its specific and special meaning in the insurance industry.
- Portraying how the insurance companies defined “occurrence” in the past and how these precedents related to their World Trade Center policies.
- Deconstructing the insurance form language for jurors to help them understand the two-occurrence interpretation.
- “Owning” the defendants arguments and visuals to support our clients critical themes.
- Creating a “visual roadmap” that enabled jurors to discern the 9/11 attacks on the World Trade Center Towers as two occurrences under New York state law.
- Extensive use of trial presentation software and technology along with best-in-class trial consultants.

THE OUTCOME: Despite being hailed as a longshot strategy by insurance and legal experts, the jury agreed with the two-occurrence argument. The nine insurance companies involved are liable for \$1.1 billion for each occurrence or \$2.2 billion in total.

“WTC was among the largest jury verdicts in the Southern District of NY, with damages being awarded up to \$2.2 billion, a decision which will undoubtedly affect the manner in which all large-scale layered property insurance programs will be structured in the future.”

*Scott Allen
Vice President of Trial Consulting*