

Bradley J. Nash

Bradley Nash joined the firm of counsel in 2010 and became a partner in 2014. He has more than a decade of experience handling complex commercial litigation in state and federal courts in New York and across the country. Mr. Nash focuses his practice on insurance recovery—representing insurance policyholders in negotiating and litigating coverage disputes involving directors and officers, commercial liability, professional malpractice, employment practices, crime/fraud, and other insurance policies. He blogs about recent insurance coverage decisions and other developments of interest to insurance policyholders and practitioners in the firm's [Insurance Coverage Blog](http://www.ssdinsuranceblog.com) (www.ssdinsuranceblog.com).

In addition to his insurance practice, Mr. Nash represents clients in a wide range of business disputes involving commercial contracts, business torts, the ownership and control of LLCs, partnerships and other closely-held entities, securities, intellectual property matters, and related appeals.

HIS INSURANCE COVERAGE MATTERS INCLUDE:

- Obtaining a preliminary injunction on behalf of a hedge fund manager, directing excess D&O insurers to pay up to \$15 million for defense costs in a complex federal securities fraud prosecution. *See Freedom Specialty Ins. Co. v. Platinum Management*, 2017 WL 6610417 (Sup. Ct. N.Y. Cty. Dec. 27, 2017).
- Obtaining a TRO (and later a preliminary injunction) directing a D&O carrier to pay the insured's post-conviction defense fees, resulting in the first reported decision in New York state court granting injunctive relief against an insurance carrier for advancement of defense costs. *See Dupree v. Scottsdale Ins. Co.*, 96 A.D.3d 546, 947 N.Y.S.2d 428 (1st Dep't 2012).
- Successfully defending a real estate investment and management company against allegations of premium fraud by a Workers' Compensation insurer, and securing coverage for a fatal injury suffered by a facilities manager.
- Representation of a beneficiary of a \$13 million life insurance policy in litigation over distribution of policy proceeds; the case settled on favorable terms just before trial.
- Successfully negotiating defense coverage on behalf of a U.S. film production company for proceedings in China arising from injuries suffered by a stunt actor.
- Successfully negotiating insurance coverage that facilitated the favorable settlement of a multi-million dollar dispute between a cooperative apartment and tenant-shareholder over property damage.
- Representing policyholder seeking coverage under a computer fraud policy for losses from an \$18 million Medicare fraud.

HIS BUSINESS LITIGATION MATTERS INCLUDE:

- Defending a Texas-based oil and gas company in a derivative action challenging a \$200 million financing transaction with a New York hedge fund. Mr. Nash defeated a preliminary injunction motion at the outset of the case that sought to freeze the proceeds of a sale of 43 oil and gas fields in the Gulf of Mexico.
- Representation of real estate investment trust in consolidated derivative litigation against the company's directors, in connection with the write down of a \$38 million mezzanine loan.
- Obtaining dismissal on appeal of an investment bank's claim for a transaction fee arising from a failed acquisition of a Nevada gold mine. *See Miller Tabak + Co., LLC v. Senetek PLC*, 118 A.D.3d 520, 988 N.Y.S.2d 141 (1st Dep't 2014).
- Defending sellers of e-discovery business in litigation alleging fraud and breaches of representations and warranties in an asset purchase agreement.
- Representation of a group of institutional investors in a novel proceeding in New York State court

challenging Bank of America's \$8.5 billion settlement of claims arising from investments in mortgage-backed securities.

- Representation of an institutional investor in a federal antitrust class action alleging bid-rigging in municipal tax lien auctions.
- Representation of a foreign investment advisory firm and its principal in a civil insider trading action by the SEC. Mr. Nash successfully briefed a motion to release \$2.7 million in client funds that were frozen by the Court at the outset of the case.

Mr. Nash received his A.B. degree from Harvard College in 1999, Phi Beta Kappa and *magna cum laude*, and graduated from Harvard Law School, *cum laude*, in 2002, where he was an Executive Editor of the Harvard Journal of Law and Public Policy. From 2002 to 2003, he clerked for the Honorable David G. Trager of the United States District Court for the Eastern District of New York. Prior to joining the firm, Mr. Nash practiced at Covington & Burling LLP.



CONTACT

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EDUCATION

Harvard Law School
J.D., 2002, cum laude, Harvard Journal of Law and Public Policy, Executive Editor
Harvard College
A.B., 1999, magna cum laude, Phi Beta Kappa

BAR ADMISSIONS

New York
U.S. District Court for the Southern District of New York
U.S. District Court for the Eastern District of New York
U.S. District Court for the Western District of New York
U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Ninth Circuit

PUBLICATIONS

[A Guide to Insurance Coverage for Business Losses Arising From the COVID-19 Pandemic](#)

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