

Frank J. Perch, III

Counsel

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Frank has a wide range of experience as a business litigator and legal advisor. He is skilled in insightfully analyzing complex coverage issues and counseling insurer clients on effectively handling challenging claims both in and out of litigation.

OVERVIEW

Frank Perch has a wide range of experience as a business litigator and legal advisor to insurers, commercial landlords, and lenders. He is skilled in insightfully analyzing complex coverage issues and counseling insurer clients on effectively handling challenging claims both in and out of litigation. Whether the claim is a moderately sized first-party claim or a mass tort or environmental claim of national scope, Frank provides practical advice on all aspects of coverage disputes, including evaluating coverage positions, negotiating pre-litigation settlements, prosecution, defense and mediation of declaratory judgment actions, and defense of bad faith claims.

As a result of his experience in both insurance coverage and bankruptcy, Frank is able to address the unique problems that exist when coverage issues arise in the context of bankruptcy. He has represented insurers in asbestos bankruptcies and has served as an expert for an insurer on mass tort bankruptcy issues.

Frank is also experienced in representing financial institutions, investors, asset purchasers, landlords, vendors, and creditors' committees in bankruptcy proceedings and out-of-court restructurings. Frank counsels clients on preserving rights and maximizing outcomes in bankruptcies. He has represented Chapter 11 debtors and confirmed Plans of Reorganization, and he has both prosecuted and defended preference and fraudulent transfer litigation. He has spoken on bankruptcy issues at the Pennsylvania Bar Institute, the National Bankruptcy Training Institute of the U.S. Department of Justice, the Practising Law Institute, the Coastal Bankruptcy Law Institute of Savannah, Georgia, and the Emory Bankruptcy Developments Journal Symposium.

PRACTICES

Financial Restructuring and Bankruptcy
Insurance Coverage and Bad Faith

BAR AND COURT ADMISSIONS

Pennsylvania
New Jersey
Georgia
U.S. Court of Appeals for the Third Circuit
U.S. Court of Appeals for the Eleventh Circuit
U.S. District Court for the Eastern District of Pennsylvania
U.S. District Court for the Northern District of Georgia
U.S. District Court for the Middle District of Georgia
U.S. District Court for the Southern District of Georgia

EDUCATION

University of Pennsylvania Law School, JD
cum laude, 1983
Haverford College, BA, 1980

MEMBERSHIPS

American Bankruptcy Institute



RECOGNITION AND INVOLVEMENT

Frank served as an Assistant United States Trustee, District of Delaware from 2003 to 2005. He also served as an Investment Volunteer (grant application review) and member of Vision Council, United Way of the Coastal Empire (Savannah, GA) from 2009 to 2013. Since 2009, Frank has served as a member of the Finance Committee and Executive Committee of the Friends General Conference.

Frank has been AV® rated by the Martindale-Hubbell peer review rating system.

REPRESENTATIVE MATTERS

Insurance Coverage Team Obtains Rescission of Policy in Multi-Million Dollar Collapse Case
5.4.17

Represented insurer in complex allocation dispute involving asbestos claims spanning over 30 years

Represented insurers in settlement of coverage issues arising out of the Love Canal disaster

Negotiated settlement for insurer in non-dischargeability case against insured arising from fraudulent business loss claim

Represented commercial landlords in numerous Chapter 11 cases including Goody's, Bruno's Supermarkets, Radio Shack and Sports Authority

Represented Official Committee of Unsecured Creditors in Chapter 11 case of consumer finance business, obtaining 100 percent payout on all claims with interest

Represented lender specializing in lending to nondenominational churches and other religious organizations, obtaining favorable outcomes in loan workouts, foreclosures and bankruptcy representation

Successfully prosecuted involuntary bankruptcy petition, obtained appointment of Chapter 11 Trustee and obtained recovery for unsecured creditors of business being looted by owners accused of perpetrating a penny stock fraud

Successfully defended real estate investor against \$1.8 million fraudulent transfer suit by trustee of bankrupt seller

IN THE NEWS

The Ninth Annual Coverage College Features True-to-Life Case Study
10.8.15

EVENTS

Coverage College 2023
Philadelphia, PA, 10.12.23



Coverage College 2022
10.13.22

Is Your Insured in a Financial Crisis? Not Sure What to Do Next?
Webinar, 11.30.21

COVID-19 Insurance Program
Webinar, 8.11.20

Reefer Coverage Madness: The Straight Dope
White and Williams Coverage College, 10.8.15

PUBLICATIONS

Arrowood Indemnity – The Latest U.S. Insurer to Enter Liquidation
Insurance Coverage and Bad Faith and Financial Restructuring and Bankruptcy, 11.9.23

Supreme Court Agrees to Consider Standing of Insurers in Chapter 11 Cases
Insurance Coverage and Bad Faith and Financial Restructuring and Bankruptcy, 10.13.23

Fourth Circuit Holds That Cooperation Clause Does Not Apply to Insured's Conduct in Negotiating Bankruptcy Plan
Insurance Coverage and Bad Faith Alert, 2.16.23

Third Circuit Dismisses Chapter 11 Filing by Johnson & Johnson Subsidiary Formed to Segregate Talc Liabilities
Insurance Coverage and Bad Faith Alert, 1.30.23

Delaware District Court Holds D&O Policy Does Not Cover Acts Prior to Insured's Formation, and Rejects Attempt To Obtain Coverage for Post-Policy Claim by Linking It to a Non-Covered Claim
Insurance Coverage and Bad Faith Alert, 5.25.22

New York Appellate Court Restores Insurer's Right to Seek Pro Rata Allocation of Settlements Between Insured and Uninsured Periods
Insurance Coverage and Bad Faith and Financial Restructuring and Bankruptcy Alert, 3.23.22

New York Court Permits Asbestos Claimants to Proceed Against Insurers with Buyout Agreements
SUGGESTS CIRCUMSTANCES WHERE SUCH AGREEMENTS MAY CONSTITUTE FRAUDULENT CONVEYANCES
Insurance Coverage and Bad Faith and Financial Restructuring and Bankruptcy Alert, 11.12.21

NJ Court Reaffirms Rule Against Coverage for Faulty Workmanship Claims and Finds Fraud Claims Inherently Intentional
Insurance Coverage and Bad Faith Alert, 8.11.21

Pennsylvania Legislature Advances Bill to Open Immediate 2-Year Window for Sexual Abuse Claims
Insurance Coverage and Bad Faith Alert, 4.22.21

Noticing Error Derails Efforts to Open Two-Year Window Reviving Time-Barred Sexual Abuse Claims in Pennsylvania
Insurance Coverage and Bad Faith Alert, 2.2.21