

CHARLES W. BROWNING



Partner

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Charles (Chuck) W. Browning is a partner and member of the Board of Directors of Plunkett Cooney. He oversees the firm's duties as coverage counsel for several major property and casualty insurance companies and serves as Co-Chair of the firm's Insurance Coverage Practice Group. Mr. Browning has been designated annually as a Michigan Super Lawyer and is listed in the publication *The Best Lawyers in America*.

Mr. Browning is a member of the State Bar of Michigan, and several federal courts, and has been admitted to practice law *pro hac vice* in more than 25 states. He is a member of the Defense Research Institute (Insurance Law Committee); International Association of Defense Counsel (Insurance Committee, Chair 2006 to 2008); Federation of Defense & Corporate Counsel (Insurance Committee); and the American Bar Association (Litigation Section and Torts and Insurance Practice Section). He is a member of the Board of Editors of the Defense Counsel Journal.

REPRESENTATIVE CLIENT WORK

Mr. Browning has represented and counseled insurance carriers in countless complex insurance coverage matters throughout the United States for over 29 years. He represents insurance carriers in coverage matters arising from such issues as bad faith, class actions, construction defects, mass torts, environmental, defective products, asbestos, mold, contaminated foods, general liability (primary and excess), employers liability, errors and omissions, property, directors and officers, and professional liability. The list below is a small representative sample of his experience in such coverage matters.

Areas of Practice

- Alternative Dispute Resolution
- Commercial Litigation
- Insurance Law

Honors & Awards

- The Best Lawyers in America® in the field of Insurance Law (Copyright 2010 by Woodward/White, Inc., Aiken, SC), 2010-2011
- Martindale-Hubbell's highest rating-AV Preeminent™ Peer Review Rated. AV Preeminent is a certification mark of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell® certification procedures, standards and policies.
- Michigan Super Lawyer in Insurance Law, Michigan Super Lawyers, a Thomson Reuters publication, 2006 - 2011

Education

- University of Detroit School of Law, J.D., 1981
- Michigan State University, B.A., 1978

Bar & Court Admissions

- Michigan, 1981
- U.S. District Court - Eastern District of Michigan, 1982
- U.S. District Court - Western District of Michigan, 1984
- U.S. Court of Appeals - Sixth Circuit, 1988
- U.S. Court of Appeals - Eighth Circuit, 2010
- U.S. District Court - Western

- Represented an insurance company (that issued 20 years of primary policies) in a coverage dispute with a Fortune 50 chemical company that sought insurance coverage for several hundred contaminated waste sites
- Represented an insurance company that issued several years of primary and excess coverage to Dow Corning in a coverage dispute with respect to the Dow Corning Breast Implant Litigation
- Represented an insurance company in a coverage dispute with an Ohio tire manufacturer with respect to thousands of underlying tire defect claims
- Represented an insurance company in a coverage dispute with 3M with respect to the 3M Breast Implant Litigation
- Represented an insurance company (that issued 40 years of primary policies) in a coverage dispute with a Big-Three automaker that sought insurance coverage for all historical environmental and asbestos claims against it.
- Represented an insurance company in a coverage dispute with a Big-Three automaker with respect to company-wide class action employment discrimination and wrongful termination claims
- Represented an insurance company in a coverage dispute with a Big-Three automaker with respect to roll over claims against that automaker allegedly arising from defective tires
- Represented an insurance company in a coverage dispute with a furnace manufacturer with respect to hundreds of thousands of defective furnace claims pending in class actions and individual lawsuits
- Represented an insurance company in a coverage dispute with a West Virginia mining company with respect to tens of thousands of alleged bodily injury claims pending in class action lawsuits
- Represented an insurance company in a coverage dispute with a large meat-packing company with respect to thousands of claims arising from a multi-state e-coli outbreak
- Represented an insurance company in a coverage dispute with a large manufacturer of premium windows with respect to a nation-wide class action lawsuit arising from water infiltration claims
- Represented an insurance company in a coverage dispute with a manufacturer of asbestos containing products facing hundreds of thousands of underlying claims

District of Pennsylvania, 1997

- U.S. District Court - Northern District of Indiana, 1997
- U.S. District Court - Southern District of Indiana, 2002
- U.S. District Court - Western District of Wisconsin, 2011
- Admitted pro hac vice numerous times in state courts in Indiana, Illinois, Minnesota, Ohio, Kentucky, Pennsylvania, West Virginia, New Jersey, New York, California, Mississippi and Texas

- Represented an insurance company in a coverage dispute with a siren manufacturer with respect to a nation-wide class action of firefighters and emergency response personnel alleging hearing loss
- Represented an insurance company in a coverage dispute with a crematorium in Georgia that had failed to cremate the remains of hundreds of deceased persons
- Represented an insurance company in a coverage dispute with a national home construction company with respect to alleged defective construction claims in several states
- Represented an insurance company in a coverage dispute arising from the collapse of a large swing stage from atop the Prudential Building in Chicago that resulted in multiple deaths and injuries
- Represented an insurance company in a coverage dispute with large multi-national food conglomerate with respect to a recall of processed turkey in many states
- Represented an insurance company in a coverage dispute with a multi-state pipeline company operating a 20,000 mile pipeline with respect to environmental claims at each of the hundreds of pipeline transfer stations
- Represented an insurance company in a coverage dispute with a baseball bat manufacturer with respect to an antitrust claim brought by a competing manufacturer

PUBLICATIONS AND LECTURES

Mr. Browning has been a frequent lecturer and author on insurance coverage issues throughout his legal career. For example, over the past six years Mr. Browning has presented lectures and published legal discussions as follows:

- March 2011, Program Chair, DRI Insurance Coverage and Claims Institute - Chicago
- December 2010, Lecturer for DRI Insurance Coverage Practice Symposium, New York - Insurance Coverage Issues Arising from Chinese Drywall Claims
- December 2009, Lecturer for Major Property and Casualty Carrier, New Jersey - Insurance Coverage Issues for Chinese Drywall Claims Under General Liability Policies
- October 2009, Lecturer for HarrisMartin presentation, Miami - Insurance Coverage Issues for Chinese Drywall Claims Under General Liability Policies (also prepared corresponding written materials)
- April 2009, Lecturer for DRI Insurance Coverage and Claims Institute, Chicago - Trigger of Coverage for Latent Injury Claims (also prepared corresponding written materials)
- December 2008, Lecturer for American Law Firm Association and Major Property and Casualty Carrier, New York - New and Emerging Insurance Coverage Issues Under General Liability Policies.
- May 2007, Author: Iowa High Court Upholds Total Pollution Exclusion As Bar To Coverage -- IADC Casualty Newsletter
- February 2007, Lecturer/Moderator at IADC Seminar on New And Emerging Insurance Coverage and Liability Issues
- January 2007, Author: Oregon Supreme Court Upholds Consent to Assignment Clause and Precludes Coverage -- IADC Casualty Newsletter

- November 2006, Author: Texas Supreme Court Holds That Mold Exclusion Applies Even Though Damage Was Caused By A Covered Peril -- IADC Casualty Newsletter
- November 2006, Author of his updated chapter on Environmental Claims in Michigan Insurance Law And Practice
- November 2006, Lecturer for Major Property and Casualty Carrier, Boston – New Developments in Pre-Tender Coverage Issues And Related Issues On A Carrier’s Right To Control The Defense Under Reservation of Rights (also prepared corresponding written materials)
- August 2006, Lecturer for Major Property and Casualty Carrier, New York – New Developments in Michigan Insurance Coverage Law
- July 2006, Lecturer/Moderator at IADC Seminar in Rome Italy – Coverage Issues Arising from Non-United States Mass Tort Claims
- June 2006, Lecturer at Mealey’s Webcast Seminar on Asbestos Coverage Litigation – The Number of Occurrences Issue (also prepared corresponding written materials)
- February 2006, Lecturer/Moderator at IADC Seminar – New and Emerging Trends in Insurance Coverage Issues -- A View From the Trenches
- December 2005, Lecturer at Mealey’s Seminar in New York on Asbestos Coverage Litigation – Successor Liability and Related Coverage Issues (also prepared corresponding written materials)

PROFESSIONAL AFFILIATIONS

- State Bar of Michigan Member (Insurance Law Section, Negligence Section and Environmental Law Section)
- Defense Research Institute (Insurance Law Committee)
- American Bar Association (Litigation Section, Torts and Insurance Practice Section, Insurance Law Sub-Committee and Task Force on Environmental Insurance Coverage Litigation, member)
- International Association of Defense Counsel (Insurance Committee)
- Federation of Defense & Corporate Counsel (Insurance Committee)

Publications

- Ohio Appellate Court Holds Insurer Entitled to Contribution From Other Insurers Under ‘All Sums’ Jurisdiction, Despite Insured’s Late Notice
- Asbestos Coverage Held Exhausted After Federal Court Applies De Facto Merger Doctrine
- Indiana Supreme Court holds assignment of insurance policy rights invalid due to 'consent to assignment' clause in policy
- Fifth Circuit Upholds Homeowner's Policy Exclusions Barring Coverage for Concurrent Water and Wind Damage Due to Hurricane Katrina
- Flood Exclusion Upheld in Louisiana “Hurricane Katrina” Claims
- Iowa High Court Upholds Total Pollution Exclusion as Bar to Coverage

- Federal Court Rules Non-Participating Insurer Must Pay Pro Rata Share of Insured's Settlement Costs
- Insurance Coverage Issues Arising from Large Exposure Contaminated Food Claims

News

- Plunkett Cooney attorneys among Michigan 'Super Lawyers' 2011
- Plunkett Cooney attorneys among Michigan 'Super Lawyers' 2010
- Plunkett Cooney attorneys named Among 'Best' in America' 2011
- Browning named member of Federation of Defense & Corporate Counsel
- Plunkett Cooney attorneys among Michigan 'Super Lawyers' 2009
- Plunkett Cooney attorneys named among 'Best' in America 2010
- Plunkett Cooney attorneys among Michigan 'Super Lawyers' 2008
- Three shareholders elected to Plunkett Cooney's Board of Directors
- Plunkett Cooney Attorneys Named 2007 Michigan 'Super Lawyers'