



Patrick Frye

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Areas of Practice

Litigation/Trial Practice | Insurance and Reinsurance | Insurance Coverage Litigation

Patrick Frye is a Partner in Litigation Practice of Smith, Gambrell & Russell, LLP. Mr. Frye was a Partner at Freeborn & Peters, which combined with SGR in 2023.

Mr. Frye represents insurance and reinsurance companies in commercial litigation, including antitrust claims and coverage disputes. He advises clients on litigation strategy and appears before arbitration panels and state and federal courts.

Mr. Frye has represented client insurers in disputes over a wide variety of insurance products, including CGL, E&O/ professional liability, D&O, and long-term disability policies. He was second chair in a trial that resulted in a \$5 million verdict in favor of his client, a reinsurer overbilled by the defendant ceding insurer. He was second chair in an arbitration that decided that the 9/11 World Trade Center terrorist attack was one event only. Therefore his client reinsurer was not liable to pay a second \$15 million to the ceding insurer.

Mr. Frye earned his J.D. from Harvard Law School and his B.A. from the University of North Carolina at Chapel Hill where he was a member of Phi Beta Kappa.

When not representing his clients in their disputes, Mr. Frye works on his Krav Maga.

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Representative Experience

- Successfully defended a large home improvement chain and its owner against multi-billion dollar claims for breach of contract, unjust enrichment and promissory estoppel, in state court in Wisconsin.
- Won dismissal of a disability policyholder's claim to reform the terms of his policy as time-barred, and won summary judgment on his claim for coverage under the actual terms of his policy.
- Counseled a reinsurer on its breach of contract claim against its former management.
- Represented a reinsurer in a collection dispute against two retrocessionaires, settling with one and winning summary judgment against the other.
- Represented a reinsurer in a three-week evidentiary hearing in federal court regarding a captive insurer's redomestication from a U.S. state to Bermuda in order to expand coverage for asbestos and environmental claims under the general liability policies that the captive issued its owner.
- Served as second chair at a federal trial for breach of reinsurance contracts, resulting in a \$5 million judgment for the client reinsurer.
- Represented an excess insurer against a manufacturer's belated claim for coverage of its asbestos liabilities.
- Won dismissal for a client of a \$6 million claim brought under an insurance policy issued by its subsidiary insurance company.
- Won summary judgment for a life insurer against the State of Illinois in a tax dispute.
- Represented an insurer in the course of adjusting a claim for property coverage following a fire at a casino, which led to subrogation claims.
- Represented a business-auto insurer against a railroad that sought coverage under a "designated insured" form included in its subsidiary's policy.
- Represented an excess insurer against a manufacturer's belated claim for coverage of its asbestos liabilities.
- Represented an insolvent professional liability insurer and its reinsurer against a lawsuit brought by the assignee of the policyholder doctor.
- Investigated long-term-care policyholders' complaints about the client insurer's denials of claims, and counseled the insurer on, and responded to, complaints filed with various states' regulators.
- Represented a D&O insurer in an arbitration following the insurer's denial of coverage for an investment fund's regulatory settlement of allegations of securities manipulation.
- Negotiated a settlement obligating a CGL policyholder to sue its former subsidiary, and not the client insurer, for indemnification of a \$1 million deductible obligation to the insurer.
- Represented insurers against putative class alleging antitrust and RICO violations based on alleged "bid rigging" and the normal underwriting practices of Lloyd's of London.

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- Won judgment for a professional liability insurer against a claim for coverage of a \$1.25 million judgment entered against the policyholder.
- Won summary judgment, including attorney's fees, for an insurer seeking collection under its \$1 million deductible from a worker's compensation policyholder.
- Served as second chair at an arbitration concerning the number of 9/11 World Trade Center events under a reinsurance treaty, resulting in the release of a \$14.4 million letter of credit to the client.
- Represent an excess CGL insurer in a multimillion dollar allocation lawsuit against the CGL insurers of the indemnitor of the client's policyholder, arising from an engine fire that burned down a tug boat for oil rigs.
- Represent a foreign insurer against its policyholder's multimillion dollar lawsuit seeking coverage of claims against it by thousands of people infected by hepatitis C or HIV.

Admissions

Illinois

United States District Court for the Northern District of Illinois (including Trial Bar)

United States District Court for the Southern District of Illinois

United States District Court for the Northern District of Indiana

United States District Court for the Eastern District of Michigan

United States Court of Appeals for the Second Circuit

United States Court of Appeals for the Seventh Circuit

Publications

- Author, "Client Alert: COVID-19 Insurance Update: Five Early Court Decisions on Insureds' Claims to Business Interruption Coverage for Their COVID-19 Losses," *Freeborn & Peters LLP* (August 18, 2020).
- Author, "Client Alert: COVID-19 Insurance Update: Significant Differences Among Proposed Laws to Require Property Insurers to Pay COVID-19 Business Interruption Claims," *Freeborn & Peters LLP* (April 29, 2020).
- Author, "Client Alert: COVID-19 Insurance Update: Possible Government Solutions to the Debates over Insurance Coverage for Business Interruption Losses," *Freeborn & Peters LLP* (April 2, 2020).
- Author, "Client Alert: COVID-19 Insurance Update: Coverage for Loss of Income Following Government Closures of Businesses," *Freeborn & Peters LLP* (March 24, 2020).
- Author, "Client Alert: Insurance Coverage for COVID-19 Loss and Liabilities," *Freeborn & Peters LLP* (March 20, 2020).
- Author, "Insurance case will provide plenty of questions for Supreme Court," *The Chicago Daily Law Bulletin* (April 23, 2018).
- Author, "Illinois Supreme Court Should Clarify Insurance Law," *Law360* (March 14, 2018).