

Haynes and Boone Helps Secure Complete Insurer Funding of \$14.25 Million Settlement of Sexual Misconduct Class Action

November 5, 2018 Barry Buchman, Natalie DuBose, Greg Van Houten

PRACTICES Insurance Recovery, Litigation

In a high-profile case that got media attention within and outside of the U.S., a Haynes Boone team led by Partner [Barry Buchman](#) helped to secure a \$14.25 million settlement with an insurer of a Washington, D.C., synagogue whose former rabbi secretly videotaped women without their consent over a several-year period.

The women brought a class action against the synagogue and, through their class counsel, retained Haynes Boone to address the related insurance coverage issues, including a coverage case that later was brought against the synagogue's insurer. In a global settlement of both the class action and the coverage case, the insurer agreed to fund the entirety of the \$14.25 million class-action settlement.

The Superior Court of the District of Columbia granted final approval of the settlement on Oct. 22.

"We are grateful to have helped our clients continue moving forward by enforcing the insurance company's obligations to cover their claims," Buchman said. "Particularly in the area of sexual misconduct claims, insurance coverage issues are critical because the religious, educational, and other institutions defending those claims may not have sufficient assets to fund judgments or settlements themselves, particularly on top of the costs of litigation."

In helping to secure the settlement, Haynes Boone navigated coverage issues that have arisen in many sexual misconduct claims made in the wake of the #MeToo movement. These issues include the question of whether the underlying harm was "expected or intended" by the insured institution, how many "occurrences" exist for purposes of the "per occurrence" limits of insurance policies, e.g., whether a perpetrator's alleged pattern of misconduct constitutes one "occurrence" or whether each victim or even each act of misconduct constitutes a separate "occurrence," and how many successive insurance policies are triggered when the alleged misconduct spans several years.

A partner in the Washington, D.C., office, Buchman was assisted by Haynes Boone Associates [Natalie Dubose](#), [Greg Van Houten](#), and Eva Zhao.

Haynes Boone's Insurance Recovery Practice Group represents clients in all facets of their dealings with insurance carriers. The group helps businesses and individuals that are facing costly litigation or that are recovering from a catastrophic event get the financial protection they deserve from their insurance carriers.