



Sean T. Keely

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Areas of Practice

Litigation/Trial Practice | Arbitration | Insurance Coverage Litigation

Sean T. Keely is a Partner in the Litigation Practice of Smith, Gambrell & Russell, LLP and serves as the New York Section Head. He is also a member of the Firm's Compensation Committee. Mr. Keely was previously a Partner with Freeborn & Peters, which combined with SGR in 2023.

Even while a first-year law student, Mr. Keely was involved in reinsurance litigation as an intern with a firm handling reinsurance and insurance insolvency matters. Over 20 years later, he brings that deep industry knowledge to bear, litigating and arbitrating commercial disputes with a particular focus on the (re)insurance industry. Clients seek out Mr. Keely because he knows the industry and the issues they face. Clients rely on Mr. Keely to craft commercial solutions when appropriate and to take cases to trial when necessary to win them. He has successfully tried cases to verdict in U.S. state and federal courts, and to final award in arbitration for clients based in the U.S., London, Continental Europe, and Asia.

Over the past several years, Mr. Keely has been at the center of cases addressing developing issues in the industry, including late notice, allocation and aggregation of losses, follow-the-settlements, breaches of the duty of utmost good faith, material misrepresentation, and insurer insolvency. He has also represented clients in emerging issues, including disputes under industry loss warranties, parametric swap agreements, and other reinsurance products.

Beyond the (re)insurance industry, Mr. Keely has represented energy companies, financial institutions, manufacturers, cable-television providers, beverage companies, and a variety of other clients in general commercial litigation.

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While at Freeborn (now SGR), Mr. Keely served as the Leader of the Reinsurance subgroup as well as a member of the Executive Committee and as the New York Office Managing Partner.

Mr. Keely received his B.A. from Georgetown University, *magna cum laude*, and his J.D. from New York University School of Law, *cum laude*.

Representative Experience

- Winning a federal jury trial for a European reinsurer on a fraudulent inducement claim, with a US\$34.5m verdict, including punitive damages.
- Winning summary judgment in New York state court for a pool of reinsurers capping their liability on facultative certificates for both loss and expense and successfully arguing the appeal that unanimously affirmed the judgment.
- Winning a federal court decision of first impression establishing the availability of a late notice defense for a reinsurer under California law without the need to show prejudice.
- Winning a defense verdict for an insurer finding no coverage for environmental clean-up costs following a bench trial in New Jersey state court.
- Successfully representing London-market reinsurers in arbitration defending against US\$50M of billings arising from asbestos and other mass tort losses.
- Winning a motion to dismiss on behalf of a Bermudan reinsurer dismissing a complaint against it alleging fraud in connection with a parametric swap contract.
- Winning summary judgment for reinsurers recovering nearly US\$10M in interest on subrogation recoveries the cedent had wrongfully withheld.
- Successfully representing a ceding insurer to obtain full recovery from reinsurers of amounts due in respect of settlement of workers compensation losses.
- Establishing as a matter of first impression procedures in insurance insolvency proceeding for reinsurers to interpose defenses to policyholder claims submitted to insolvent estate.
- Representing an energy company pursuing claims against an oil and gas field service provider for breaching a contract to supply well stimulation services.

Admissions

New York

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Memberships

Education Committee Member, AIDA Reinsurance and Insurance Arbitration Society (ARIAS-US)

Member, Association of the Bar of the City of New York

Recognitions

- *Chambers USA*, Insurance: Dispute Resolution: Reinsurance, USA-Nationwide (2023, 2024, cited additional years)
- *Chambers USA*, Insurance: Dispute Resolution: Insurer - New York (2023, 2024, cited additional years)
- *Legal 500 US*: Insurance: Advice to Insurers, 2019 (cited multiple years)
- *Who's Who Legal: Insurance & Reinsurance*, 2019 (cited multiple years)
- *Benchmark Litigation*: 2019 Local Litigation Star

Publications

- Presenter, London Market Forums' Reinsurance Leaders Practice Group Seminar, "Reinsurance Impact – COVID-19 – Claims, Capacity, Claims, Client Retention," (March 4, 2021).
- Co-Author, "Client Alert: Constitutional Questions Presented by Proposed State Legislation Requiring Retroactive Business Interruption Insurance Coverage for COVID-19 Related Claims," Freeborn & Peters LLP (April 2020).
- "Early Thoughts on Late Notice," ARIAS•U.S. Quarterly (Q2 2019).
- "Legacy Lab: Run-Off Options in the U.S.," Insurance Insider 2019 Legacy Supplement (June 2019).
- "Is the Limit on Your Reinsurance Really a Limit?," Market People Magazine (Spring 2018).
- "Read the fine print," Insurance Insider 2018 Legacy Supplement (May 2018).