



Suzanne F. Day

Senior Counsel

Houston

T: +1.713.221.1303

F: +1.800.404.3970

E: suzanne.day@bracewell.com

About Suzanne

Suzanne Day negotiates substantial insurance recoveries and litigates against major insurers under commercial and excess general liability, property and business interruption, professional and fiduciary, D&O, E&O, environmental and pollution, representations and warranties, and marine cargo policies. She develops highly successful negotiation and litigation strategies that have recovered hundreds of millions of dollars on high-stakes insurance matters such as those involving long tail claims and catastrophic process safety incidents. Suzanne also advises on and litigates additional insured and other contractual indemnity provisions that maximize the protection of corporate revenue.

In addition to serving as first chair on complex insurance recovery matters, Suzanne has tried and favorably resolved civil suits related to fraud and embezzlement, commercial contracts, catastrophic injury, employment, and liabilities under state and federal environmental laws. She has conducted hundreds of corporate internal investigations and developed action plans to respond to violations of law or corporate policy.

Suzanne also has developed expertise in crisis management and disaster response, including providing advice on internal, criminal, and civil investigations, resulting civil and criminal court proceedings, negotiation of funding agreements with government authorities, implementing contract provisions relating to force majeure, making claims under available insurance policies, and communicating with government actors, media, public, employees, and insurers.

Prior to joining Bracewell, Suzanne spent more than 20 years in the Legal Division of The Lubrizol Corporation, eventually becoming its Chief Legal and Ethics Officer. In addition to serving as legal counsel and business advisor to a highly regulated global business, she directed the company's insurance procurement and claims administration functions, managed its ethics and regulatory compliance, corporate transactions, governance, intellectual property, and public affairs services, and led significant insurance coverage and other litigation throughout her career.

Suzanne is a Fellow of the American College of Coverage Counsel, an honorary association recognizing the preeminent coverage lawyers in the nation.

Recent Notable Matters

Private equity firm — assisted with settlement of more than \$10 million claim under representations and warranties policy based on breach of purchase agreement representation

Industrial safety equipment manufacturing company — advised on commercial general liability insurance coverage for thousands of claims resulting from alleged exposure to PFAS

Energy infrastructure companies — advised pipeline operators on coverage for property damage caused by pipeline incidents under commercial general liability and pollution liability insurance policies

Chemical manufacturing company — led confidential settlement of class action and hundreds of other property damage claims arising out of catastrophic facility fire

Real estate investment firm — led settlement of property and business interruption claim arising out of serious damage to apartment complex caused by EF3 tornado

Board of directors of cultural institution — conducted independent investigation into workplace complaints at nonprofit organization

Architectural firm — assisted with seeking coverage for a property claim arising out of a warehouse fire that caused damage in excess of \$70 million policy limits

Health system — assisted with seeking communicable disease and loss of attraction business interruption coverage claims arising out of COVID-19 in excess of the \$25 million limits of the additional coverage grants of eight quota share property policies

Energy company — assisted with seeking coverage for more than \$20 million in contingent business interruption losses that arose out of an explosion of a supplier pipeline

Energy infrastructure company — assisted with seeking coverage under the demolition and increased cost of construction coverage of property policy for more than \$20 million of business interruption losses that arose out of a pipeline explosion

Waste services company — assisted with seeking coverage for more than \$14 million in property damage and business interruption losses caused by a fire at a recycling facility

Wind power company — assisted with seeking coverage for a business interruption claim arising out of a turbine blade liberation and federal agency's suspension of operations that resulted in more than \$10 million in losses

Energy company — advised on claim for defense and indemnity under general liability and pollution legal liability policies in connection with a catastrophic burn case pending in Harris County, Texas

Chemical manufacturing company — advised on an additional insured claim for defense and indemnity in connection with a catastrophic premises liability case pending in Harris County, Texas under general liability policies issued to the company's independent contractor

Power company — advised on an additional insured claim for defense and indemnity under general liability policies issued to the company's independent contractor in connection with two wrongful death cases pending in Nueces County, Texas

Former officer — advised on former Chief Executive Officer's rights to defense and indemnity in connection with a securities fraud lawsuit and SEC investigation under a directors' and officers' liability policy

Industrial parts manufacturer — advised on rights to defense and indemnity under a private company liability policy in connection with an action brought by a former officer who was part of group selling company to client

Independent school — advised on its rights to defense and indemnity under an educators' legal liability policy in connection with three lawsuits and various claims made by students and families challenging school disciplinary decision*

Chemical manufacturing company — led the claims preparation and carrier negotiation process after a catastrophic fire, recovered more than \$200 million in insurance proceeds and developed third-party claims resolution process that resulted in hundreds of claim settlements that were significantly (more than 50 percent) less than initial demands*

* Work completed prior to Bracewell

Education

Case Western Reserve University, J.D.
1993 – *summa cum laude*, *Order of the Coif*

University of Virginia, B.A.
1990

Certifications

Board Certified, Insurance Law, Texas Board of Legal Specialization

Noteworthy

YWCA Greater Cleveland Woman of Achievement, 2020

The Western Reserve Academy, Board of Trustees, 2013 – present

First Tee of Cleveland, Board of Directors, 2008 – 2012

Affiliations

American College of Coverage Counsel, Fellow

Texas Bar Foundation, Fellow

State Bar of Texas, Insurance Law Section

Bar Admissions

Texas

Ohio