



**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION**

**WASHINGTON, D.C. 20549**

**FORM 8-K**

**CURRENT REPORT  
PURSUANT TO SECTION 13 OR 15(d) OF THE  
SECURITIES EXCHANGE ACT OF 1934**

Date of Report (Date of earliest event reported): February 9, 2005

**ABM Industries Incorporated**

(Exact name of registrant as specified in its charter)

**Delaware**

(State or other jurisdiction  
of incorporation)

**1-8929**

(Commission File  
Number)

**94-1369354**

(IRS Employer  
Identification No.)

**160 Pacific Avenue, Suite 222, San Francisco, California**

(Address of principal executive offices)

**94111**

(Zip Code)

Registrant's telephone number, including area code **(415) 733-4000**

**Not Applicable**

(Former name or former address if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Item 8.01 Other Events

On February 9, 2005, the United States Court of Appeals for the Second Circuit granted summary judgment in favor of ABM Industries Incorporated (“ABM”) against Zurich American Insurance Company on ABM’s insurance claims for business interruption losses resulting from the World Trade Center (WTC) disaster. ABM’s business interruption losses and other covered losses are eligible for coverage up to the policy maximum of \$127 million. The press release discussing the ruling is attached as an exhibit to this Form 8-K.

Item 9.01 Financial Statements and Exhibits.

- 99.1 Press release dated February 10, 2005, announcing the United States Court of Appeals for the Second Circuit’s grant of summary judgment in favor of ABM against Zurich American Insurance Company on ABM’s insurance claims for business interruption losses resulting from the World Trade Center (WTC) disaster.
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**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

ABM INDUSTRIES INCORPORATED

Dated: February 10, 2005

By: /s/ Linda S. Auwers

Linda S. Auwers

Senior Vice President and General Counsel

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## EXHIBIT INDEX

**ABM WINS SECOND CIRCUIT SUMMARY JUDGMENT  
FOR BUSINESS INTERRUPTION COVERAGE IN WORLD TRADE CENTER CLAIM**

**SAN FRANCISCO, CA — February 10, 2005** – ABM Industries Incorporated (NYSE: ABM) announced today that the United States Court of Appeals for the Second Circuit had granted summary judgment in favor of ABM on the Company's insurance claims for business interruption losses resulting from the World Trade Center (WTC) disaster.

The Appeals Court also ruled that ABM is entitled to recovery for the extra expenses it incurred after 9/11, which include millions of dollars related to increased unemployment claims and costs associated with the redeployment of WTC personnel at other facilities. The Appeals Court rejected the arguments of Zurich American Insurance Co. (Zurich) to limit ABM's business interruption coverage and returned the case to the Southern District of New York for determination of appropriate additional compensation under the policy.

"We are very pleased with the Court's ruling," said Linda S. Auwers, ABM Senior Vice President & General Counsel. "Since the Court of Appeals has established our business interruption coverage and ruled on several of the case's central issues, we look forward to a fair and timely resolution of our claims with Zurich."

ABM will continue to pursue its claims against Zurich. Under the policy, coverage for ABM's business interruption and other related losses is capped at \$127 million. ABM believes its losses exceed \$100 million.

ABM had commercial insurance policies with Zurich covering business interruption, property damage and other losses related to the WTC complex. At the time, the WTC was the Company's largest single job-site with annual sales of approximately \$75.0 million (3% of the Company's consolidated sales for 2001).

In December 2001, Zurich filed a Declaratory Judgment Action in the Southern District of New York claiming the loss of the business profit fell under the policy's contingent business interruption sub-limit of \$10 million. On June 2, 2003, the court ruled on certain summary judgment motions in favor of Zurich. Subsequent to the June 2003 ruling, additional rulings by the court limited ABM's recourse under the policy to the amounts paid plus additional amounts related to physical property and financial records of the Company located on the WTC premises.

As of October 31, 2004, Zurich had paid ABM two partial settlements totaling \$13.8 million, of which \$10.0 million was for business interruption under the contingent business interruption sub-limit and \$3.8 million for property damage, which substantially settled the property portion of the claim.

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ABM Industries Incorporated is among the largest facility services contractors listed on the New York Stock Exchange. With fiscal 2004 revenues in excess of \$2.4 billion and more than 73,000 employees, ABM provides janitorial, parking, security, engineering, lighting and mechanical services for thousands of commercial, industrial, institutional and retail facilities in hundreds of cities across the United States and British Columbia, Canada. The ABM Family of Services includes ABM Janitorial, Ampco System Parking, ABM Security Services, which includes American Commercial Security Services (ACSS) and Security Services of America (SSA), ABM Engineering, Amtech Lighting, CommAir Mechanical and ABM Facility Services.

Cautionary Statement Under the Private Securities Litigation Reform Act of 1995. This press release contains forward-looking statements that set forth management's anticipated results based on management's plans and assumptions. Any number of factors could cause the Company's actual results to differ materially from those anticipated. These risks and uncertainties include, but are not limited to subsequent adverse judicial rulings in the Company's World Trade Center insurance litigation and each of the risks set forth in the Company's 2004 Annual Report on Form 10-K.

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