

Representing Insurance Industry Clients & Captives

Duty to Defend and Right to Coverage

We won a precedent-setting victory in the First Circuit by establishing a duty to defend and a right to coverage for indoor pollution and sick buildings claims.

Claims Management

Our client, a publicly-traded media-related company, was sued for intellectual property infringement. The insurer denied coverage. The insured settled, and between the defense and settlement expenses, sought reimbursement from the insurer for approximately \$2.3 million. The insurer responded that it had not approved defense counsel or its rates, had not been advised in advance that the insured wanted it to cover the settlement, that the claims against the insured involved conduct not intended to be covered by a Media Perils policy and that the insured's conduct was intentional and, therefore, excluded. And finally, that because the alleged infringing conduct took place over multiple years, multiple, large deductibles applies and, therefore, the entire loss fell within the deductible amount. At mediation, the insurer paid in excess of \$1.5 million.

Employment Practice Liability (EPL)

We obtained coverage, almost a million dollars in defense costs, and a substantial settlement contribution from our client's Employment Practice Liability (EPL) insurer after it had initially denied coverage. The client's California employees had sued in a class action that claimed violations of wage and labor laws.

Marine Insurance Policy

Obtaining a multi-million dollar jury verdict for a biotech client whose insurance company denied coverage for a multi-million dollar loss resulting from a spilled drug, under a marine insurance policy.

Insurance Coverage

Securing the denial of two separate preliminary injunctions challenging client Harvard Pilgrim Healthcare's decision to change its compounded drug policy, in class actions filed state and federal court.

Reps and Warranties policy

We recovered \$4.25 million for a private equity client under a Representations and Warranties policy after the insurer denied coverage.

Finding Coverage

- Our client, a publicly traded telecommunications company, was sued for unfair competition with respect to many separate locations involving many different customers over many years. One general liability insurer denied coverage entirely, claiming the alleged wrongful conduct post-dated its policy. The other agreed to defend, but objected to defense counsel's rates and staffing and refused to pay counterclaim costs. We ultimately recovered in excess of \$22,000,000 from both insurers in defense costs in a series of negotiated settlements without the need for ADR.
- Securing coverage for a town facing a multi-million dollar civil rights judgment after its insurers disclaimed coverage.
- We have obtained millions of dollars for a variety of industrial, commercial and residential property owners, often under decades-old policies.

Directors and Officers Liability

- Recovering over \$9 million in legal fees for a developer from D&O insurers in a coverage case arising from a dispute with a joint venture partner in Hong Kong.
- Obtaining coverage under a D&O policy for publicly traded hotel chains for suits alleging breach of fiduciary duty by a competing hotel.
- Obtaining coverage under a D&O policy for a client responding to an IRS subpoena.

Life Insurance Policies

Advising a hedge fund on multiple regulatory aspects of the acquisition of multi-million dollar portfolios of life insurance policies held in receiverships, as well as negotiating and settling claims for coverage under specific life insurance policies.

Attorneys

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Related Services

- Insurance
- Insurance Coverage & Bad Faith Litigation
- Policy Review & Negotiation
- Regulatory Litigation & Advising