

I Insurance Recovery

Since the 1980s, the Lowenstein Sandler Insurance Recovery group has represented corporate and governmental policyholders and has obtained billions of dollars in insurance recoveries. We strategically untangle the complex web of insurance issues that businesses face in today's global economy, from policy audits to claim negotiation to high-stakes coverage litigation.

We offer a comprehensive and diverse practice that includes a dynamic and growing group of lawyers who advise clients throughout the United States about a wide variety of insurance issues. Our team prides itself on consistently obtaining significant victories for our clients, whether inside a courtroom or as a trusted insurance advisor to resolve insurance claim disputes. Our clients range from startups to Fortune 100 companies and include a wide variety of industries.

The Lowenstein Difference

- The lawyers in Lowenstein's Insurance Recovery group are recognized as skillful litigators and negotiators. We are particularly known for our technical excellence, strategic thinking, creativity, and trial experience.
- Unlike other law firms, we have **never** represented insurance companies in insurance matters. We have represented policyholders and only policyholders for the past 30 years. This leaves us conflict-free and able to zealously represent our clients.
- We know the insurance industry. Our team has an extensive network of contacts among insurance brokers, defense counsel, and the major insurance companies, and those relationships often enable us to pursue early resolution of disputed claims.
- We are distinguished by our fee structures. We work closely with our clients on pricing, and we often offer competitive alternatives to traditional hourly billing. We welcome the opportunity to partner with clients to provide budgeting certainty and predictability for our matters.
- We may be lawyers, but we also think like businesspeople. We are **entrepreneurial**. We endeavor to understand our clients' business needs, and our legal advice is informed by that knowledge.
- We use **creative** approaches to solve our clients' issues strategically.

How We Work With Clients

We seek to resolve insurance disputes quickly and efficiently. When insurance companies refuse to settle claims reasonably, we are ready to force them to provide coverage. Our team has litigated hundreds of cases in more than 40 states. We have extensive experience with dispute resolution and adeptly counsel clients through mediation and arbitration proceedings. Our litigation strategies are designed to expedite early resolution and to minimize the interruption of a company's daily business operations.

Our lawyers are more than insurance coverage litigators. We advise our clients on pre- and post-loss insurance disputes, conduct insurance policy audits, provide insurance input on master service agreements and other contractual documents, assist with policy purchases and renewals, and perform insurance due diligence in the context of corporate transactions and bankruptcy proceedings.

Our clients seek us out for guidance on many different lines of coverage and specialized insurance products, including:

Column First

- Commercial General Liability
- Directors & Officers Liability
- Fiduciary Liability
- Employment Practices Liability
- Professional Liability
- Fidelity Bonds
- Reps & Warranties

Column Second

- Cyber/Media Liability
- Product Recall
- Trade Credit
- Marine Cargo/Stock Throughput
- First-Party Property
- Business Interruption

Many of our clients have worked with us for decades because, simply stated, we are very good at what we do—we consistently obtain favorable results for our clients. Our

sophisticated client base includes life sciences companies, consumer product companies, construction companies, equipment manufacturers, investment funds and other capital providers, food manufacturers and distributors, retailers, chemical producers, mining operations, educational institutions, real estate companies, and franchisors.

EXPERIENCE

- > Served as coverage counsel in a large construction defect litigation involving a multimillion-dollar development along the Hudson River. Secured insurance recoveries in excess of \$25 million from a variety of insurers. As part of our strategy, we filed a successful motion for reconsideration where the court reversed itself on the issue of whether faulty workmanship is covered by a commercial general liability policy. Also successfully blocked an insurer's effort to "forum shop" for a more favorable jurisdiction after the trial court's decision was rendered.
- > Successfully represented a large manufacturer in connection with two environmental claims under a pollution legal liability insurance policy. Through mediation and without the need for litigation, we were able to recover a substantial portion of the claim. Also identified available coverage under a second pollution legal liability policy after additional facts developed at the site. As a result, and again without the need for litigation, the insurer acknowledged its defense obligation.
- > Successfully represented a health care company in a dispute with its employment practices insurer and the insurer's "panel" defense counsel. The dispute involved tripartite relationship conflict issues, bad faith, and a "non-cooperation" defense asserted by the insurer. Shortly after our firm got involved, panel defense counsel was replaced, they continued to defend, and the underlying litigation resulted in a "no cause" against the claimant.
- > Representing a food company in a lawsuit against numerous insurance carriers seeking recovery of nearly \$20 million in environmental cleanup costs incurred at a former manufacturing site.
- > Representing a corporate policyholder in defense of a declaratory judgment action filed by a well-known insurer to avoid coverage for an airplane accident resulting in five deaths and property damage.
- > Represented a trust in an adversary proceeding in the United States Bankruptcy Court in the Southern District of New York seeking coverage for a theft of monies by an employee of more than \$50 million.
- > Representing a media company in a dispute with its CGL carrier regarding the payment of costs incurred successfully defending a defamation and tortious interference with contract lawsuit. The case is pending in California Superior Court in Los Angeles.
- > Representing the creditors committee in a bankruptcy proceeding in Delaware where the manufacturer of portable gas cans filed for bankruptcy in response to numerous product liability claims which were filed against it. We are seeking to create an insurance trust to provide funding for these legacy product liability claims.
- > Serve as coverage counsel for an asbestos and environmental consulting company sued for personal injury and negligence by remediation workers at the World Trade Center following the September 11th terrorist attacks. Analyzed and pursued insurance across multiple coverage lines to assist our client in recovering its defense and indemnity costs, as well as coverage for its contractual indemnification. Currently pursuing professional negligence claims against our client's insurance brokers.

HONORS & AWARDS

- > **Chambers USA: America's Leading Lawyers for Business:**
Ranked in Band 1 for Insurance Litigation in New Jersey