

Insurance Recovery Litigation

Our lawyers have extensive experience litigating and arbitrating on behalf of policyholders in complex, high-stakes insurance related disputes. Our practice group combines the talents of exceptional commercial litigators with the expertise of experienced coverage counsel.

We have represented large corporate policyholders, as well as smaller insureds in actions against their insurers in all types of insurance coverage claims and matters, including antitrust, asbestos, broker liability, business interruption, commercial and general liability (CGL), crime and fidelity, directors and officers (D&O) liability, employment practices liability, entertainment, environmental, errors and omissions, healthcare, intellectual property, and product liability. Our lawyers have consistently achieved recoveries far exceeding fees paid. In many cases, we have obtained favorable resolutions for our clients before the commencement of litigation.

RECENT REPRESENTATIONS

- We represented Defendants **AIG Specialty Insurance Company** and Lexington Insurance Company, two members of a \$100 million tower of insurance, and we served as lead trial counsel on behalf of all insurance companies that went to trial.

The plaintiff, Conduent State Healthcare LLC, sued the insurance carriers to try to secure coverage of Conduent's \$236 million settlement with the Texas Attorney General's Office. For several years, the Texas Attorney General investigated and then pursued a claim of Medicaid Fraud against Conduent. However, immediately prior to executing the settlement agreement, Conduent convinced the Texas Attorney General's Office to add breach of contract and negligence claims to its petition, and then Conduent sought to allocate all of the settlement proceeds to the contract and negligence claims. The insurers were not informed of Conduent's pressuring Texas to amend, and the only communications the insurers received about the settlement negotiations misrepresented and omitted key details.

In just two hours, the Delaware jury found that Conduent had committed insurance fraud, breached its duty to cooperate, and failed to settle the Texas case in good faith, findings that gave the insurers a complete coverage defense.

- We are representing **Hakkasan USA Inc.** in a bad faith insurance coverage action against Sompco International, Endurance American Specialty Insurance Company, Willis Towers Watson Insurance Services West, Inc. and Willis of Arizona, Inc. in connection with Hakkasan's claim for coverage for its business interruption losses at its restaurants, nightclubs and entertainment venues in the United States due to the COVID-19 pandemic.

- We secured coverage for **Aspiro AB dba Tidal** following a denial of coverage for the defense costs to respond to a search warrant and investigation by the Norwegian criminal authorities arising out of allegations related to the streaming of certain songs.
- We acted for **Ensham** to recover business interruption and property losses arising out of flooding in Queensland. At the time of the recovery, it was the single largest payout by Lloyd's London insurance market in Australia.
- We acted for **Bovis Lend Lease** in its successful defence and resolution of the World Trade Centre clean-up litigation. We secured coverage for **LendLease** and independent legal representation under a US\$1 billion Captive Insurance Policy and worked with that insurer to drive a successful resolution strategy.
- We represented **Platinum Management LLC** in a coverage action brought by its excess directors and officers insurers regarding the advancement of attorneys' fees and costs for defense of a criminal prosecution by the United States Attorney for the Eastern District of New York, a civil enforcement action by the Securities and Exchange Commission in the same Court, and a parallel civil action in Texas state court.
- We acted for **LendLease** in seeking recovery under its insurance program for claims arising out of allegedly defective fire stopping in a series of UK hospitals. Quinn Emanuel assisted LendLease to enter into an advantageous deed of settlement by which LendLease was able to recover its losses against primary and excess insurers.
- We represented **International Lease Finance Corporation** in a bad faith insurance coverage action against Certain Underwriters at Lloyd's, London for denial of coverage of the total loss of a Boeing 757 aircraft confiscated and seized by Russian Federation Customs. The case resulted in a favorable settlement for ILFC.
- We act for **Local Councils in Victoria and New South Wales** in two separate class action proceedings brought against global insurance broker Jardine Lloyd Thompson Pty Ltd, seeking compensation in respect of financial losses suffered by Local Councils as a result of alleged breaches of general law, contract and fiduciary duties owed by JLT in relation to insurance broking services that it provided to Local Councils.
- We secured coverage for **Brud, Inc.** after a denial of coverage for an employment practices related claim.
- Quinn Emanuel initially acted for **Pitcher Partners** in its defence of a shareholder class action regarding its role as the auditors of Slater & Gordon (SGH) and continues to act for Pitcher Partners as strategic counsel. With the benefit of the work done by Quinn Emanuel in defence of Pitchers, their insurers granted indemnity under their Professional Indemnity Insurance and assumed conduct of the defence.
- We secured insurance coverage for **the former CEO of an energy services company** under a directors and officers liability insurance policy for the defense of a criminal action brought by the U.S. Department of Justice for misconduct.

- We obtained a favorable settlement for **Jacobs France**, a subsidiary of Jacobs Engineering, in an insurance coverage dispute regarding coverage for claims brought by a governmental entity of France, alleging negligent design and construction of a state-of-the-art waste incineration plant in Eastern France.
- We secured reimbursement of defense costs for **Art.com** under a directors and officers liability insurance policy for the defense of multiple actions brought by former employees arising out of their termination for engaging in illegal price-fixing activity.
- We obtained a nine-figure settlement for a **regional bank** in a novel lawsuit involving allegations that its insurer and broker had breached their contract and fiduciary duties in failing to automatically reallocate the bank's \$612 million investment in bank-owned life insurance policies to a more conservative fund when certain performance triggers were hit.
- We represented **Occidental Petroleum**, and won a jury verdict establishing liability in an insurance coverage case regarding business interruption losses sustained from over two hundred terrorist bombings of an oil pipeline in Colombia. The case **settled for nine figures** before the damages phase of the trial.
- We represented **MHR Advisors, LLC**, other MHR entities and **Dr. Mark Rachesky** in connection with obtaining coverage for the multiple suits and actions initiated by Carl Icahn and entities controlled by Icahn regarding various transactions that led to Dr. Rachesky and MHR obtaining a large amount of Lions Gate shares.
- We secured coverage for **Dassault Systèmes SolidWorks Corp. ("SolidWorks")** after the insurer withdrew its defense and denied coverage for an action asserting claims against SolidWorks for unfair competition, false designation of origin, false advertising, trademark infringement, trade dress infringement, and unfair business practices, among other claims.
- We were retained by **Family Dollar Stores** in a dispute regarding insurance coverage under a directors and officers insurance policy for several stock options backdating derivative actions. The case was quickly settled on favorable terms soon after our appearance in the case.
- We represented **The Kor Group**, a privately held real estate investment and management company, and negotiated a favorable settlement for coverage of multiple disputes arising out of a construction defect action in which plaintiff sought in excess of \$50 million in damages in connection with the sale of a high rise apartment building and its subsequent conversion to condominiums.
- We represented **Jacobs Engineering** in a coverage dispute involving utility service interruptions caused by Hurricanes Ike and Gustav that resulted in millions of dollars of business interruption losses.
- We secured payment of policy limits on behalf of certain directors and officers of **Maxim Integrated Systems** under several directors and officers insurance policies in

connection with a stock options backdating derivative action. The insurer's ultimate participation resulted in a favorable settlement for the directors and officers and Maxim.

- We represented **a large national retailer** in numerous insurance coverage disputes with its property and casualty insurers for coverage of excessive property damage losses arising from Hurricane Georges. As a result of strategic discovery and motion practice, the coverage disputes were all favorably resolved.
- We represented **Marsh & McLennan** for over 15 years in a wide variety of policy matters, ranging from coverage disputes to class actions. Recently, we successfully defended Marsh in a series of California class actions arising out of Elliot Spitzer's high-profile investigation against Marsh.
- We obtained a favorable settlement for **Coca-Cola Enterprises Inc.** in a coverage dispute regarding coverage for a wage and hour class action in which the insurer had denied coverage under its employment practices liability insurance policy.
- We represented **The Walt Disney Company** in a coverage dispute regarding idea submission claims in excess of \$200 million. We obtained a reversal of summary judgment in the Ninth Circuit, as well as a determination that summary judgment should have been granted in favor of Disney. The appellate result led to a favorable settlement for Disney.