

## COMPLEX COVERAGE AND CLAIMS DISPUTES

### OVERVIEW

BCLP's insurance coverage lawyers have extensive experience litigating novel and complex insurance and reinsurance coverage issues in jurisdictions across the United States and the world. We have litigated and arbitrated high stakes third-party coverage disputes across a broad spectrum of policy lines, including disputes related to coverage for directors & officers and business entity liability claims, mergers and acquisitions, environmental contamination, product liability, cyber liability and professional liability. Likewise, we have litigated and resolved first-party property and business interruption coverage disputes, as well as reinsurance disputes, class actions and bad faith claims. We also serve as national coordinating counsel assisting our clients in formulating common litigation strategies for hundreds of related claims and managing the ongoing nationwide defense against these claims. BCLP's insurance disputes lawyers can be entrusted with complex coverage matters under all policy lines and in venues, judicial and otherwise, across the globe. BCLP's insurance coverage lawyers work closely with and are integrated within the firm's transactional and regulatory insurance practice, as well as other practices that address insurance issues on a daily basis. This collaboration across multiple practice groups and geographies provides our coverage litigators with specialized knowledge of the relevant policies and policy provisions and their drafting and regulatory history. It also allows us to be intimately familiar with the business purposes these policies serve. With this specialized knowledge, our coverage lawyers regularly advise clients during the underwriting process and strategize on litigation trends, novel exposures and maximizing reinsurance recovery. BCLP's insurance coverage lawyers serve as both trusted counselors and tireless courtroom advocates for their clients.

## MEET THE TEAM



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## RELATED PRACTICE AREAS

- Litigation & Dispute Resolution

## EXPERIENCE

- Defending insurer in putative Missouri class action seeking recovery of business interruption losses related to COVID-19 pandemic.
- Representing multiple clients in connection with RWI coverage issues.

- Represented life insurer who was denied coverage based on lapse of premium payment. Eleventh Circuit affirmed Georgia district court’s grant of summary judgment in favor of insurer in April 2020.
- Representation of home and auto insurers in serial bad faith litigation based upon a failure to settle within policy limits.
- Coordinating defense counsel in over 500 lawsuits against an insured physician alleged to have performed unnecessary surgeries. Additionally, coordinating related coverage litigation based on a failure to cooperate defense.

## RELATED INSIGHTS

Insights

Dec 01, 2023

### **Looking Forward - the future of (compulsory) ADR in business disputes and the impact of Churchill v Merthyr Tydfil**

Considered as a cheaper, quicker and less stressful mode of dispute resolution, alternative dispute resolution (“ADR”) is no longer seen as an “alternative”, and indeed has been re-named “NDR” (negotiated dispute resolution) to reflect that. Instead, it is becoming an integral part of the dispute resolution process – one which is focussed on achieving earlier and less costly resolution over which parties have control rather than engaging in an often expensive, drawn-out dispute before the court with an uncertain outcome. Here we explore where its future lies and what this means for your business.

Insights

Mar 02, 2022

### **Corbin & King: Denial of Access clause and Composite policy cover for COVID-19**

The Commercial Court has found in *Corbin & King Ltd v Axa Insurance UK Plc* that a Non-Damage Denial of Access (“NDDA”) clause responds to COVID-19 business interruption losses. Further, that where the policy provides cover by reference to the Insureds’ “business” where access to its “premises” was restricted, that the insured would be entitled to claim the sub-limit of cover in respect of each premises, for each lockdown or restriction. This decision, if upheld by appellate courts, could materially increase some insurers’ exposure to COVID-19 business interruption losses if they have underwritten comparable NDDA covers.

Insights

Feb 25, 2022

### **Is COVID-19 a Catastrophe?**

Insights

Sep 29, 2020

### **Joint mediation protocol bridging Singapore and Japan**

On 12 September 2020, the Singapore International Mediation Centre (“SIMC”) and the Japan International Mediation Center (“JIMC”) signed a Memorandum of Understanding on the operation of a joint protocol (the

“Protocol”) which allows cross-border disputes to be resolved through expedited, economical and effective mediation procedures. The Protocol, together with the Singapore Convention on Mediation which came into force on the same day, seek further to advance mediation as a useful way of resolving disputes efficiently and economically.

Insights

Apr 09, 2020

## **London market impact of U.S. COVID-19 BI law challenge**

Insights

Apr 01, 2020

## **Coronavirus/COVID-19 UK Quick Guide – what insurance cover could be impacted?**

Insights

Mar 26, 2020

## **Must reinsurers follow their cedants' COVID-19 related claim settlements?**

Insights

Mar 09, 2020

## **Is COVID-19 one "event": reinsurance aggregation**