

ADVISING POLICYHOLDERS



We are the specialist insurance practice of Addleshaw Goddard LLP, a full-service international law firm with 232 partners and over 900 other legal staff and 11 offices in the UK (London, Leeds, Manchester, Edinburgh, Glasgow and Aberdeen), in Asia (Singapore and Hong Kong) and in the GCC (Dubai, Oman, Qatar), a network of like-minded law firms around the globe, and an exclusive alliance with Hashidate Law Office in Tokyo. We also have access to a well-established, multi-lateral network of preferred firms, and work equally well with local firms specifically favoured by clients.

We provide high quality, commercially-minded legal advice across a wide range of market sectors and industries. Clients tell us that it is our approach to client relationships and helping them to succeed and flourish which sets us apart from other law firms.

Our broad policyholder client base includes some of the best known and most highly respected FTSE 350 companies in the banking, professional services, pharmaceutical, engineering and construction, leisure, retail, energy and other sectors. Areas of expertise include professional indemnity, D&O, employers' liability, product liability, fidelity, fraud, crime, property, trade credit, political risk, automotive, energy and construction.

Our specialist insurance team's leading policyholder practice specialises in the resolution of insurance disputes and also advises on non-contentious insurance issues.

WHAT WE CAN OFFER

- ▶ **Contentious Work:** extensive experience of mediation, arbitration and litigation, including complex, international, multi-party coverage disputes. We add real value here as our team are specialist insurance lawyers, who understand insurers and their markets and therefore know what it takes to get a claim paid.
- ▶ **Advisory Work:** expert advice on the scope of the duty of disclosure, the drafting and interpretation of policy wordings, the consequences of breaches of policy terms, claims notification and claims control provisions, relationships with brokers, insurers' rights of inspection and the effect of insurance covenants in commercial agreements.
- ▶ **Policy Reviews:** detailed reviews of policy wordings and insurance programmes to improve coverage and identify potential gaps. We also assist in the negotiation and drafting of policy wordings to ensure our clients' needs are met and to minimise the risks of insurers raising defences to future claims.
- ▶ A network of active relationships with law firms specialising in insurance and reinsurance in all key jurisdictions.
- ▶ Control, our award-winning costs/litigation funding product aimed at reducing and better managing the costs of proceedings (see <https://www.addleshawgoddard.com/en/specialisms/dispute-resolution/litigation-funding/>).

Our work, and the quality of our insurance team's advice, has been acknowledged in the leading legal directories, Chambers and Legal 500.

'Provides an outstanding service to policyholders, particularly in the financial and pharmaceutical sectors', and is particularly praised for its 'commercially astute and results-oriented approach to disputes'

LEGAL 500 DIRECTORY 2017

A great ability to cut through the noise and focus on the important issues

CHAMBERS LEGAL DIRECTORY 2016

LEADING EXPERTISE

Listed below are a few examples of our current / recent cases (although for confidentiality reasons we are unable to name certain of our clients):

Financial Services

- ▶ Acting for **Standard Life**, in a £100m High Court and Court of Appeal ([2012] EWHC 104 (Comm) and [2012] EWCA 1713) claim against its professional indemnity insurers in relation to liability to third party customers for alleged mis-selling of a pension fund. The coverage issues included the scope of the indemnity for “mitigation costs” under the relevant policy, the impact of decisions and recommendations by the Financial Ombudsman Service and the FSA (particularly concerning “Treating Customers Fairly” requirements) and the aggregation of third party claims. The claim was run under a Conditional Fee Agreement in both the High Court and Court of Appeal.
- ▶ Representing **Rathbone Brothers Plc** and an individual trustee / former employee of a Rathbones subsidiary in English Commercial Court and Court of Appeal proceedings in relation to a claim under the excess layer of Rathbones' 2008/09 civil liability insurance programme ([2013] EWHC 3457 (Comm) and [2014] EWCA Civ 1464).
- ▶ Advising the Insolvency Committee of a failed **Icelandic bank** on the recoverability of €50 million under its D&O liability insurance cover.
- ▶ Advising a **price comparison website** and negotiating with its insurers under an Enterprise Privacy Protection Insurance policy, to recover sums paid out in compensation to customers who had suffered data protection breaches as result of a fraudulent boiler-room scam which was investigated by the FSA/SFO.
- ▶ Advising a **financial advisory firm** on professional indemnity cover in respect of its liability to customers for alleged inappropriate investment advice, and its continuing insurance cover in the event of solvent liquidation.
- ▶ Advising a private **Lebanese Bank** under its Banker's Blanket Bond policy in relation to a fraud perpetrated by a customer in connection with a trade credit facility.
- ▶ Advising an **Omani bank** in relation to a US\$40 million claim under its Comprehensive Bankers' Blanket Bond insurance in respect of claims arising from a cyber crime intrusion via prepaid credit card fraud.
- ▶ Advising a **major UK bank** on coverage under its corporate crime policies in respect of losses exceeding £150 million arising out of a syndicated loan, whose cover extends to losses caused in fraud of third parties.
- ▶ Reviewing a **financial services provider's** insurance programme worth £2.2 billion, comprising over 40 policies.
- ▶ Providing detailed advice on a Warranty & Indemnity policy for a **well-known UK Bank**.

Aviation

- ▶ Advising a **Malaysian client** in respect of a potential US\$7million dispute with the insurer of a private aircraft.

Construction

- ▶ Acting for a **FTSE 100 bank** in a multi-million pound arbitration against a number of insurers under a Construction All Risks and Third Party Liability insurance policy in respect of defects to its flagship corporate headquarters.
- ▶ Acting for **Mouchel plc** on coverage issues claims arising out of the resurfacing of the A1(M).
- ▶ Acting for **Encia Remediation Ltd**, a design and engineering company, in a reported decision in its £15 million coverage claim against its Professional Indemnity insurers relating to claims arising out of the construction of a large housing development.
- ▶ Providing insurance coverage advice to **structural engineers** involved in defending claims made by Multiplex in relation to the construction of Wembley Stadium.

Energy / Utilities

- ▶ Acting for **CMS Energy** on coverage issues under political risk policies in connection with a claim for US\$132 million arising from the effect of actions taken by the Government of Argentina on a natural gas pipeline between Argentina and Chile; including acting for CMS defending an anti-suit injunction against it brought in English Courts to stop proceedings commenced in Michigan.
- ▶ Advising **United Utilities** on D&O insurance policy issues.

General Trade Disruption / Political Risk

- ▶ Advising an **aircraft operator** in relation to political risk coverage issues relating to seizure of aircrafts in Libya.
- ▶ Advising **retailers** on aggregation issues raised by insurers in connection with Thai risks.
- ▶ Advising a **major corporate retail client** on their scope of political risk cover available in relation to Somali pirate activity.

Manufacturing

- ▶ Providing coverage advice to **Federal Mogul Corporation** and its subsidiary **T&N Ltd** on asbestos claims brought against the organisation.
- ▶ Acting for a **Swedish manufacturer** of a main component for Ducati motorbikes in a product recall coverage matter.

Media

- ▶ Advising **Matrix Securities Limited** against their insurers (and brokers) in respect of film finance contingency cover.

Pharmaceutical

- ▶ Acting for a **FTSE 100 global pharmaceutical company** in three significant Bermuda Form arbitrations, covering claims totalling in excess of US\$2 billion, against numerous London market and Bermudian insurers in relation to the scope and extent of its Product Liability coverage of third party claims arising from the alleged side effects of the company's products.
- ▶ Advising a **major life science company** on coverage issues arising under D&O and fidelity policies in respect of costs of regulatory investigations in various foreign jurisdictions.

Property / Infrastructure

- ▶ Acting for a **FTSE 100 bank** as a lender in relation to insurance aspects of the Buncefield fire disaster.
- ▶ Advising a **major transport infrastructure client** in relation to property damage and business interruption claims in excess of £100 million arising from severe weather events.
- ▶ Advising a **major transport infrastructure client** in relation to property damage and business interruption in excess of £45 million arising from Storm Frank.
- ▶ Advising a **major transport infrastructure client** on matters relating to the renewal of its key multi-year, multi-line insurance cover.

Retail & Consumer

- ▶ Acting for a **major supermarket** in a £27 million D&O liability claim.
- ▶ Providing coverage advice to an **American baby-food manufacturer** regarding recovery for "accidental product contamination" following a product recall.
- ▶ Advising a **major UK drinks manufacturer** on coverage aspects of a recall of one of its leading children's soft drinks.
- ▶ Acting for a **UK food manufacturer** in relation to coverage for losses of c. £30 million for product recall, increased cost of working and business interruption.

Sport

- ▶ Acting for a **sports governing body** in respect of the insurance arrangements for its international representative sides, including advice on policy wording, provisions and coverage advice in respect of the permanent total disablement of a Premier League footballer.

OUR POLICYHOLDER TEAM

Our team includes the following key advisers:

RICHARD WISE
Partner, Head of Insurance Disputes

+44(0)20 7160 3255
+44 (0)7779 663 701



RICHARD CLAYTON
Partner

+44 (0)20 7160 3225
+44 (0)7912 395246



NATASHA WINTER
Managing Associate

+44 (0)20 7788 5081
+44 (0)7738 023 181



VICTORIA POOL
Managing Associate

+44(0)161 934 6501
+44 (0)7725 732 399



JOSIANNE EL ANTOURY
Associate

+44 (0)20 7788 5084
+44 (0)770 1309 604



LAURA PAYNE
Associate

+44 (0)20 7160 3983
+44 (0)7738 697 474



LAYLA SOUSOU
Associate

+44 (0)20 7160 3327
+44 (0)7720 338 593



Very customer-oriented and very commercial - they don't just pass down bits of legal knowledge without context, but give you real world advice

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They have done a really good job for us - they provide great service, respond very quickly and are pragmatic in their advice. They've really been our go-to, as we know that we can rely on them

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Aberdeen, Doha, Dubai, Edinburgh, Glasgow, Hong Kong, Leeds, London, Manchester, Muscat, Singapore and Tokyo*

* a formal alliance with Hashidate Law Office

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