

Practices

Related Practices

Environmental Litigation

Corporate Asset Affirmative Recovery Practice

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Insurance Recovery Litigation

Businesses large and small purchase insurance to protect against catastrophic losses and to obtain coverage and a funded defense for third-party disputes. Individuals, particularly those with significant holdings and assets, governments, and municipalities rely on insurance to protect against insolvency and financial ruin. When faced with large first-party and third-party claims, policyholders across the spectrum turn to Diamond McCarthy's experienced insurance recovery team to obtain for them the benefits that they are owed under their policies.

Diamond McCarthy's lawyers have achieved results that created new and reported law in complex third-party coverage disputes. We have successfully brought claims against insurers where they wrongfully failed to provide coverage for first-party claims. Oftentimes these coverage disputes can be resolved without resorting to litigation, an area in which Diamond McCarthy excels.

The firm's insurance recovery team has the capacity and experience to represent clients in all manner of coverage disputes, but has extensive capabilities working with director's and officer's policies in complex corporate disputes. Other areas include policies in the following areas:

- Entertainment and media policies
- Surety and fidelity policies
- Business interruption claims
- Errors and omissions policies
- First-party property and construction policies including WRAP
- COVID-19 claims
- Environmental insurance coverage including asbestos and chemical exposure claims

Representative Experience

- Acting as lead trial counsel to Martin Trott and Christopher Smith, Joint Official Liquidators appointed in the Cayman Islands in connection with cross-border litigation proceedings in the United States and the Cayman Islands arising out of a billion dollar investment fund fraud. This matter involves litigation and ongoing claims in NYC, the Cayman Islands and other jurisdictions. In addition to the Cayman Island liquidation proceedings, there are ancillary proceedings in NYC under Chapter 15 of the U.S. Bankruptcy Code in aid of the Cayman Island courts and proceedings.
- Acted as lead trial counsel for the Creditors Committee in the Appalachian Fuels LLC and related company bankruptcies in the Eastern District of Kentucky in connection with the investigation and pursuit of claims arising from this coal mining company's losses of more than one hundred

million dollars. Claims involve a multitude of companies, former officers and directors, insurers and professional firms

- Acted on behalf of the Reinsurance Association of America, the defense and settlement of the Texas and multi-state antitrust litigation against British and domestic insurers and reinsurers.
- Acted on behalf of Jewel Recovery, L.P., the Zale Jewelers post-confirmation litigation entity, those causes of action held by one of the world's largest jewelry companies and its creditors. This engagement involved the management of hundreds of suits in bankruptcy and other courts in the U.S. and Canada, and the resolution of complex questions of liability and damages relating to company officers and directors, the professionals who served them, and their insurers. By reason of the efforts of the Diamond McCarthy lawyers, Jewel Recovery substantially benefited Zale's creditors.
- Acted on behalf of members of an insolvent workers compensation self-insurance program for contractors in litigation with their insurance broker.

For more information on our representative experience please reach out to our initial contacts or email michael.evian@diamondmccarthy.com.