

Environmental Insurance Analysis & Recovery

Lathrop GPM assists policyholders in environmental insurance coverage matters. We can help navigate the intricate claims process and maximize recoveries.

As one of the largest firms in the U.S. representing policyholders, our group nationally represents manufacturers, property owners, facility operators, transporters and others with potential liability under local, state and federal environmental laws. Our experience encompasses coverage archaeology and reconstruction, claims notification, negotiation, claims management, litigation, policy procurement and negotiations, due diligence, insurance evaluations and alternative dispute resolution.

Lathrop GPM provides expeditious and cost-effective resolution of environmental insurance coverage claims and litigation, even when faced with exclusions and lost policies. Our Superfund (CERCLA) experience provides valuable knowledge of technical issues necessary to prove coverage during applicable policy periods.

If a company has incurred liabilities for environmental, product liability or tort claims, there is an excellent chance that the company possesses insurance assets now. Often, these types of "long tail" claims involve multiple years and layers of historic coverage. Historic coverage is a valuable asset to be mined to help pay for these liabilities. Our environmental product liability and tort insurance recovery work is focused on attaining settlements, not engaging in litigation.

We regularly provide clients with the following services:

- **Notification of Claims.** Claim notification is particularly difficult when dealing with long-tail environmental, product liability and toxic tort claims. Choosing the right carriers to notify, and the content of the notification, can often make or break a claim. For example, we provided a notice for a potential future multimillion-dollar class

action on behalf of a large, publicly held client. The client came to us because they were unsure of how and when to give notice to maximize coverage.

- **Coverage Strategy.** When dealing with complex, "long tail" claims, it is important to map a strategy to maximize coverage. A client we represent has more than 1,000 insurance policies with hundreds of carriers. We were able to separate the valuable from the not-so-valuable coverage and recommend a strategy to maximize recoveries.
- **Insurance Archeology.** Our environmental, product liability and tort clients often do not have all of their insurance policies. Many times, through corporate acquisitions, policies have been lost or misplaced. We are experienced in locating missing policies and creating coverage maps. We have performed archeology work for the vast majority of our coverage clients. For example, we negotiated a multimillion-dollar settlement for one client who did not even know before hiring us that it had the coverage that resulted in the settlement. We have particular experience in tracking down elusive London coverage.
- **Claim Resolution.** A significant portion of our work involves negotiating and settling previously denied claims. This is especially true with respect to environmental and product liability claims. We frequently can settle high-dollar claims without litigation. We know the insurers and the best techniques for maximizing recovery. If a claim cannot be resolved through settlement, we are always prepared to litigate the claim.
- **Insurance Insolvencies.** Perhaps the most complex area of insurance coverage law is insurance insolvencies. Just like business bankruptcies, insurance insolvencies require special skill and expertise. With several of the nation's largest property and casualty insurers now insolvent, it is increasingly likely that some of a company's coverage could be tied up in insolvency proceedings. A number of our lawyers devote their practice almost exclusively to insolvencies. We have handled virtually every type of interest and claim in insolvency proceedings across the country. We have successfully resolved claims and litigated issues for policyholders, brokers, shareholders and other claimants of insolvent companies.
- **London Market.** Dealing with Lloyd's and other London market insurers can be confusing and frustrating for U.S. policyholders. Our team successfully obtains significant recoveries from both solvent and insolvent London market companies. Our experience in presenting and negotiating claims in London and the relationships

we have developed there have proven to be invaluable to our clients. For example, we have negotiated claims with several London market and domestic insolvent/runoff carriers and collected sizeable settlements.