

Business Policyholder Insurance Coverage

Stinson's policyholder-focused insurance recovery group represents business clients across a broad range of industries, exposures, insurance products and coverage issues relevant to our sophisticated clients. Before any claim or loss arises, we proactively counsel clients on identifying and obtaining relevant coverages and optimal features. After a claim or a loss occurs, we help manage the policyholder/insurer relationship with an eye towards maximizing potential recoveries. When necessary, we sue to enforce our clients' rights. We litigate and mediate insurance coverage issues and prosecute insurer bad faith claims on behalf of policyholders across the country. We have advised clients on coverage issues and otherwise handled disputes concerning virtually all types of business insurance, including Directors & Officers (D&O); Professional Liability/Errors and Omissions; Cyber; Employment Practices; Fiduciary Liability; Property & Business Interruption; Builder's Risk; Inland Marine; Pollution; Product Recall & Contamination; Commercial General Liability; Representations & Warranties; Commercial Crime and Fidelity; Workers Compensation/Employers Liability; and Business Auto insurance policies.

We regularly represent clients across many industries, including financial services, technology, higher education, real estate, energy, manufacturing, food and beverage, health care, transportation, local government, construction, engineering and design, and agribusiness.

Our attorneys have been honored by inclusion in the American College of Coverage Counsel, Chambers USA, *Best Lawyers in America*, *Super Lawyers*, and *Benchmark Litigation*.

CAPABILITIES

We sue insurance companies that deny coverage and add value by:

- Trying to resolve disputes before litigation is necessary, leveraging our subject-matter knowledge and extensive litigation in direct negotiations with insurers and pre-litigation mediation, where appropriate. When businesses are sued or suffer insured losses arising from man-made or natural disasters, we facilitate insurance recoveries by:
 - Communicating, advocating, and negotiating with the insurers for coverage and prompt payment.
 - Developing and preserving supporting evidence.
 - Assisting in finding and managing other professionals involved in the claims process.

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- Ensuring that defense counsel are cognizant of the client's insurance and other business interests.
- Working with brokers to tailor programs and address issues on renewal that respond to our clients' risks and concerns, including drafting manuscript policies and endorsements.
- Assessing needs and draft insurance provisions in contracts, including for M&A transactions, loans, leases, development agreements, and construction, supplier and vendor contracts.

EXPERIENCE

- Successful prosecution and resolution of lawsuit against property insurers that denied coverage for claim by a refinery suffering in excess of \$100 million in losses relating to a catastrophic flood.
- Successful prosecution and resolution of lawsuit against property insurers that refused to pay policy limits to a public utility in respect of over \$70 million in losses caused by a series of earthquakes and tsunamis.
- Successful representation of financial services client in claim against cyber insurers arising from ransomware attack and data breach involving theft of customer confidential information and resulting class action litigation.
- Successful pre-litigation resolution of several multimillion dollar claims under product contamination/recall policies concerning losses related to contamination of food and pet food.
- Secured coverage and funding in excess of policy limits on behalf of government entity to fund multimillion dollar settlement with claimant in underlying tort case.
- Coverage counsel to unsecured creditors' committees in nine mass tort bankruptcy proceedings arising from thousands of sexual abuse claims implicating 70+ years of coverage under CGL and excess policies; secured more than \$250 million in insurance proceeds to pay tort claims and successfully negotiated dozens of related insurance settlements and plans of reorganization addressing insurance and indemnity rights and obligations of debtors, settling and non-settling insurers, and trusts; and served as insurance trial counsel for a creditors' committee in a multi-week trial over the plan of reorganization filed by the Boy Scouts of America.
- Pursued and secured recoveries for separate eight-figure claims under a Strikes, Riots & Civil Commotion insurance policy and a stock throughput policy, both arising out of the seizure and occupation of a client's facility by an armed gang in the context of a political upheaval in a least developed country.
- Successful representation of real estate owner in securing recovery on \$20 million+ claim for fire-related losses to a large shopping center set ablaze during the civil unrest following the death of George Floyd, Jr.
- Successful prosecution and resolution of lawsuit on behalf of pet food ingredient supplier, including recovery in excess of policy limits, against commercial general liability insurer that refused to provide

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coverage for product contamination claim.

- Successful prosecution and resolution of lawsuit against property insurer involving \$25 million fire loss at historic property.
- Secured coverage and funding for tens of millions of dollars in settlements for multiple claims against public technology company.
- Representation of public energy company with respect to D&O insurance and indemnification issues occasioned by alleged multimillion dollar embezzlement by CEO and CFO leading to U.S. Securities and Exchange Commission (SEC) and state securities commission investigations, criminal prosecutions, and multiple shareholder securities class actions and derivative actions.
- Successful pre-litigation resolution of a multimillion dollar claim against a property insurer for business interruption losses suffered by a product manufacturer as a result of a mass shooting.
- Successful prosecution and resolution of two lawsuits for employer's liability and general liability insurance coverage arising out of multiple explosion-related bodily injury lawsuits against energy industry clients.
- Representation of public technology company with respect to D&O insurance and indemnification issues occasioned by SEC investigation and derivative action based on CEO's alleged use of corporate assets for personal purposes.
- Successful pre-litigation resolution of claim against professional liability insurer involving multimillion dollar claim arising from alleged error in net asset value calculation pertaining to ETF.
- Successful prosecution and resolution of lawsuit on behalf of food and beverage industry client against pollution liability insurer that refused to provide coverage for chemical release at manufacturing facility.
- Secured coverage under fiduciary liability insurance policy for multimillion dollar settlement of consolidated class and mass actions alleging improper modification/termination of retiree welfare benefits in violation of the Employee Retirement Income Security Act.
- Representation of public trucking company concerning business auto insurance in numerous high exposure matters involving bodily injury, including alleged wrongful death.
- Successful pre-litigation resolution of cyber insurance claim for company in the aftermath of a ransomware attack involving seven-figure losses.
- Multiple successful representations of publicly- and privately-held companies concerning insurance coverage for the clients' first-party losses, defense costs, and third-party liabilities arising out of alleged or actual misconduct of employees, including instances of employee misconduct, employee theft, and government kick-back or bribery schemes.

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TEAM

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RELATED CAPABILITIES

Banking & Financial Services

Bankruptcy & Creditors' Rights

Business Litigation

Construction

Corporate Finance

Governance, Risk & Compliance

Private Business

Real Estate & Public Finance

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NEWS

Stinson Achieves Substantial Creditor Recovery in Wellpath Holdings, Inc. Chapter 11 Bankruptcy Case
05.22.2025

Stinson Associate Selected for U.S. Bank Law Division Spotlight on Talent Program
01.24.2025

Super Lawyers Recognizes 26 from Stinson on 2024 Missouri and Kansas Top Lists
11.14.2024

Stinson Partners Named to *Benchmark Litigation's* 40 & Under List
08.12.2024

Super Lawyers Recognizes 29 from Stinson on Missouri and Kansas Top Lists
11.14.2023

Best Lawyers in America Names 10 Stinson Attorneys as "Lawyer of the Year"
08.17.2023

Stinson's Arnone, Edwards Selected to 40 & Under List
08.03.2023

Christina Arnone Talks Business Interruption Insurance Coverage Under Cyber Policies on ABA's Sound Advice Podcast
05.31.2023

Christina Arnone Selected to *Ingram's* 2023 40 Under Forty
04.18.2023

Stinson Attorneys Selected to LCLD 2023 Fellows and Pathfinder Programs
03.06.2023

Eleven Attorneys Elected to Partnership at Stinson in 2023
01.05.2023

Christina Arnone, Bill Everding and Sarah Lintecum Struby Recognized as Up & Coming Attorneys by *Missouri Lawyers Weekly*
08.22.2022

Stinson Attorneys Named to *Benchmark Litigation's* 2022 40 & Under Hot List
08.08.2022

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Christina Arnone Explores the Relationship Between Insurance Coverage and Civil Unrest

04.04.2022

EVENTS

Business Insurance for Computer Crime and Other Cyber-Related Losses

Stinson, 06.13.2023

Business Insurance for Computer Crime and Other Cyber-Related Losses

Stinson LLP, 02.16.2023

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