

PROFESSIONAL LIABILITY INSURANCE



BATESCAREY LLP
COVERAGE FROM EVERY ANGLESM

PROTECTING INSURERS AND REINSURERS AROUND THE WORLD

BatesCarey LLP is an internationally recognized leader in resolving complex professional liability claims. We protect the interests of primary and excess insurers and reinsurers in North America, Bermuda and the United Kingdom involving the most high-profile Directors & Officers (D&O), Financial Institution (FI), Errors & Omissions (E&O), Employment Practices Liability (EPL), Cyber, Fidelity/Crime and Public Entity claims.

OUR TEAM

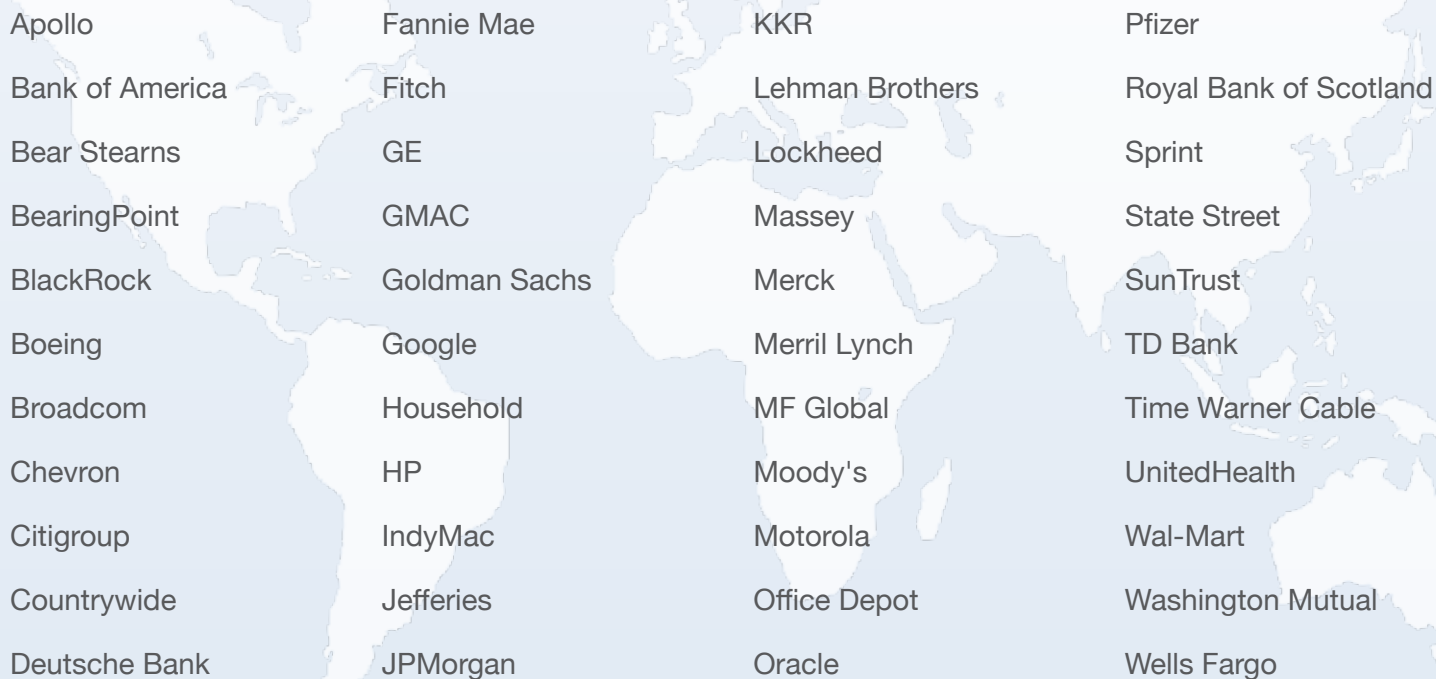
Full service: We exclusively represent insurers and reinsurers. We have more seasoned and internationally recognized insurance coverage attorneys than most law firms.

Results oriented: We evaluate coverage disputes for optimal resolution—be it through litigation, arbitration or mediation.

Long reach: We handle high-exposure, high-profile claims with far-reaching implications. Our experience in representing insurers and reinsurers across the country and around the world provides a decided advantage in counseling our clients on claims resolution.

BIG NAMES, BIG CLAIMS

Our professional liability lawyers have represented insurers in resolving many of the largest claims in the industry, including claims against:



Apollo	Fannie Mae	KKR	Pfizer
Bank of America	Fitch	Lehman Brothers	Royal Bank of Scotland
Bear Stearns	GE	Lockheed	Sprint
BearingPoint	GMAC	Massey	State Street
BlackRock	Goldman Sachs	Merck	SunTrust
Boeing	Google	Merril Lynch	TD Bank
Broadcom	Household	MF Global	Time Warner Cable
Chevron	HP	Moody's	UnitedHealth
Citigroup	IndyMac	Motorola	Wal-Mart
Countrywide	Jefferies	Office Depot	Washington Mutual
Deutsche Bank	JPMorgan	Oracle	Wells Fargo

DIRECTORS & OFFICERS

We represent primary and excess insurers in the largest D&O exposures—securities class actions, shareholder derivative actions, government investigations and merger and acquisition actions. For nearly two decades, our lawyers have advised

insurers in every major D&O event impacting the market. Insurers rely on our in-depth understanding of the securities laws, legal precedent and insurance market conditions to evaluate and resolve complex D&O claims.

FINANCIAL INSTITUTIONS

Our lawyers have significant expertise representing insurers subscribing to a wide range of FI insurance products. We have the long-term experience required to represent clients participating on

complex FI programs. Our in-depth knowledge of federal and state regulations equips us to successfully handle the array of claims implicating FI insurance products.

ERRORS & OMISSIONS

Our experience in handling the gamut of E&O exposures provides our clients with a highly skilled team of E&O lawyers. We have long represented insurers in E&O claims involving:

- Accountants
- Actuaries
- Architects and Engineers
- Fiduciary
- Healthcare
- Insurance Agents and Brokers
- Insurance Companies
- Investment Advisors
- Lawyers
- Managed Care Facilities
- Mortgage Banks and Brokers
- Real Estate
- Securities Broker-Dealers
- Title Agents
- Trustees

With respect to these and other coverages, we offer comprehensive program management services to our clients. We investigate and evaluate claims, provide coverage opinions, issue coverage letters, retain and liaise with defense counsel for insureds, manage litigation expenses and assist our clients in evaluating their potential exposure.

EMPLOYMENT PRACTICES

From nationwide class actions to individual lawsuits, we represent EPL insurers in claims involving race and gender discrimination, wrongful termination and retaliation, sexual harassment, wage and hour disputes, breach of contract, the Americans with Disabilities Act, the Age Discrimination in

Employment Act and other federal, state and local employment laws. Our attention to evolving legislative and judicial developments and our experience with complex EPL coverage issues results in efficiently handled claims.

CYBER RISKS, TECHNOLOGY & DATA SECURITY

We have special expertise in handling privacy, technology, hacking and data security breach claims. We are experienced in evaluating and resolving matters involving theft or loss of confidential corporate, medical and personal

identification information. We work closely with our clients to navigate both first and third party claims in these areas, including traditional technology professional liability claims as well as newly emerging cyber risks.

FIDELITY & CRIME

We represent clients in connection with some of the most high-profile and complex fidelity and crime claims. We investigate proofs of loss and handle claims involving fidelity bonds, financial institution bonds, mortgage bonds, title bonds, surety bonds

and crime policies. Our experience includes a wide range of claims involving allegations of employee dishonesty, forgery, counterfeiting, embezzlement, robbery and lending losses.

PUBLIC ENTITY, MUNICIPALITY & EDUCATIONAL INSTITUTIONS

We routinely handle claims involving public entity, municipality and educational institution exposures. Our experience in this area is broad and varied, from handling highly volatile molestation claims,

to wrongful conviction and malicious prosecution matters, to zoning disputes, taxing and revenue disputes, employee benefit and harassment claims and land use regulation issues.

POLICY DRAFTING & NEW PRODUCT DEVELOPMENT

We provide innovative ideas and new product development advice to clients for existing and emerging insurance markets. We specialize in creating, analyzing and drafting insurance policies and endorsements and other risk transfer

arrangements across the spectrum of professional liability insurance lines. We work closely with our clients to identify existing and emerging risk exposures and collaborate with them to draft and market innovative products to their clients.



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REPRESENTATIVE LITIGATED CASES

XL Specialty Insurance Co. v. Michael W. Perry, Case No. 12-56275 (9th Cir.) Represented U.S. insurer in declaratory judgment action seeking a finding of no coverage under Side A D&O policy.

Washington Mutual, Inc. v. XL Specialty Insurance Co., Adv. No. 12-50422 (Bankr. D. Del.) Defended U.S. insurer in a declaratory judgment, breach of contract and bad faith action seeking coverage under a D&O policy.

AXIS Insurance Co. v. Career Education Corp., Case No. 13 CH 27421 (Ill. Cir. Ct.) Represented U.S. insurer in declaratory judgment action seeking declaration of no coverage under D&O policy, and defended counterclaims for breach of contract and statutory bad faith.

Carlyle Investment Management, LLC v. ACE American Insurance Co., Case No. 2013 CA 003190 B (D.C. Super. Ct.) Defended two U.S. insurers in breach of contract and declaratory judgment action seeking coverage under D&O and E&O policies.

TD Bank, N.A. v. Endurance Specialty Insurance Ltd., Case No. CV-14-495750 (Ontario Super. Ct.) Represented Bermudian insurer in breach of contract action seeking coverage under integrated risk policy providing Bankers Blanket Bond and Bankers Professional Liability coverage.

J.P. Morgan Securities Inc. v. Vigilant Insurance Co., Index No. 600979/09 (N.Y. Sup. Ct.) Defended U.S. insurer in declaratory judgment action seeking coverage under Financial Institution E&O policy.

TOUSA, Inc. v. Federal Insurance Co., Adv. No. 09-02281 (Bankr. S.D. Fla.) Defended Bermudian insurer in declaratory judgment action seeking coverage under Side A D&O policy.

Endurance American Specialty Insurance Co. v. Rausch, Sturm, Israel, Enerson & Hornik, LLC, Case No. 13-CV-0008-LA (E.D. Wis.) Represented U.S. insurer in declaratory judgment action seeking declaration of no coverage under E&O policy.

Martin Resource Management Corp. v. Zurich American Insurance Co., Case No. 12-CV-758 (E.D. Tex.) Defended U.S. insurer in breach of contract and bad faith action seeking coverage under excess private D&O policy.

Allied World National Assurance Co. v. James A. Knight, Case No. 09 CH 27403 (Ill. Cir. Ct.) Represented U.S. insurer in declaratory judgment action seeking a finding of no coverage under primary D&O policy.

The American Insurance Co. v. Greenwich Insurance Co., Case No. 11-CV-3159 (N.D. Cal.) Defended U.S. insurer in action seeking equitable contribution and allocation of defense costs and indemnity under private management liability policy.

Princeton Eagle West Insurance Co. Ltd. v. HSBC Finance Corp., Case No. 10 CH 17094 (Ill. Cir. Ct.) Represented Bermudian insurer in declaratory judgment action seeking declaration of no coverage under D&O policy.

City of Huber Heights v. U.S. Specialty Insurance Co., Case No. 12-CV-0336 (S.D. Ohio) Represented U.S. insurer in declaratory judgment action challenging coverage denial under public officials' liability policy for employment dispute alleging wrongful termination.

Aon Corp. v. Certain Underwriters at Lloyd's of London, Case No. 06 CH 16852 (Ill. Cir. Ct.) Defended London insurer in declaratory judgment action seeking coverage under Insurance Broker E&O policy.

ElleHomme Holistic Med Spa, LLC v. Certain Underwriters at Lloyd's, London, Case No. 13 CH 27735 (Ill. Cir. Ct.) Defended London insurers in declaratory judgment action seeking coverage under E&O policy.

Gastar Exploration Ltd. v. U.S. Specialty Insurance Co., Case No. 2010-11236 (Tex. Dist. Ct.) Defended U.S. insurer in a declaratory judgment and breach of contract action seeking coverage under a D&O policy.

Great American Insurance Co. v. Sea Shepherd Conservation Society, Case No. 13-CV-1017 (W.D. Wash.) Represented U.S. insurer in declaratory judgment action seeking declaration of no coverage under primary nonprofit D&O policy.

Forshay Land Title & Appraisal Services, Inc. v. Certain Underwriters at Lloyd's, London, Case No. 14-CV-27910 (N.D. Ill.) Defended London insurers in breach of contract action seeking coverage under fidelity bond related to alleged dishonest acts of insured's employees.

AXIS Surplus Insurance Co. v. Robert D. Geringer, Case No. 14-CV-00244 (D. Utah) Represented U.S. insurer in interpleader action for relief from competing claims in excess of policy limits under primary Side A D&O Policy.

YRC Worldwide, Inc. v. XL Insurance (Bermuda) Ltd., Case No. 11-CV-2534 (D. Kan.) Defended Bermudian insurer in a declaratory judgment and breach of contract action seeking coverage under an EPL policy.

Arch Insurance Co. v. Michael W. Perry, Case No. 12-CV-6290 (C.D. Cal.) Represented U.S. insurer in interpleader action for relief from competing claims in excess of policy limits under excess Side A D&O Policy and defended against claims for breach of contract, bad faith and declaratory judgment.

AXIS Reinsurance Co. v. GeoStar Corp., Case No. 09-CV-12608 (E.D. Mich.) Represented U.S. insurer in declaratory judgment action seeking to rescind D&O policy.

Frank Andrew Dunn v. Chubb Insurance Co. of Canada, Case No. 5043/06 (Ontario Super. Ct.) Defended Bermudian and U.S. insurers in declaratory judgment action seeking coverage under D&O policies.

Town of Newburgh v. U.S. Specialty Insurance Co., Case No. 13-CV-3380 (S.D.N.Y.) Represented U.S. insurer in action challenging coverage denial under public officials' liability policy for zoning dispute over business expansion.

Great Lakes Reinsurance (UK) PLC v. HealthSouth Corp., Case No. 03-CV-1139 (N.D. Ala.) Represented U.S. insurer in declaratory judgment action seeking to rescind D&O policy.

Troy Lillie v. Stanford Trust Co., Case No. 13-CV-3127 (N.D. Tex.) Defended Bermudian excess E&O insurer in direct action lawsuit.



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