

Insurance Recovery

Procopio is one of a few Am Law 200 firms with attorneys specializing in policyholder representation and advocacy. When possible, we resolve coverage disputes without litigation, but have the expertise, grit and experience to litigate through trial and appeal when needed. We have resolved numerous contentious claims, many of which were deemed unresolvable, through mediation and arbitration. Our attorneys have recovered in excess of \$100 million of insurance benefits for our clients including defense fees, settlement monies and related damages.

Our clients include public and private companies, municipalities, nonprofits, educational institutions and individuals, all from a wide variety of industries, including technology, financial services, life sciences, retail, hospitality, multi-media, healthcare, real estate, manufacturing, and construction. We are experienced with insurance coverage for first and third party liabilities under a wide range of insurance policies and coverages, including general liability, municipal liability, property, business interruption, representations and warranties, pollution legal liability (including for asbestos), directors and officers, employment practices, and errors and omissions. In the context of COVID-19 losses, we have experience and bandwidth regarding potentially available coverages under property, pollution, and event cancellation policies.

Our team includes attorneys who have represented the insurance industry in the past, and therefore possess a deep, inside understanding of the claims process. In addition, we have experience with Joint Powers Authorities, and the unique coverage issues presented by these risk pooling mechanisms. Our team also regularly speaks and publishes on the latest insurance issues.

Procopio advises its clients on the insurance implications of litigation, mergers and acquisitions, as well as the process of insurance procurement and renewals.

We are a full-service insurance team from insurance procurement to verdict and appeals: Our goal is to maximize your insurance recovery through aggressive negotiations and if needed, litigation, and protect your rights under your insurance portfolio.

REPRESENTATIVE MATTERS

- COVID-19 Business Interruption Losses: Initiated multiple declaratory relief lawsuits in various tribal courts against Lexington Insurance Company, an AIG affiliate, on behalf of Indian Tribes and Tribal Enterprises seeking recovery for significant business interruption losses arising from the COVID-19 pandemic. Defeated initial challenges to tribal court jurisdiction.
- Insurance Coverage Litigation: Represented City of San Diego in prosecution of insurance coverage claims against multiple insurers for liabilities incurred in litigation involving the De Anza

Mobile Home Park, resulting in a \$7.5 million settlement mid-trial against one insurer, recovery of full policy limits of \$2 million via summary judgment against another insurer, and reimbursement in excess of \$10 million in defense fees and costs through duration of underlying litigation.

- Duty to Defend: Brought coverage action against insurance company that refused to provide a defense in an underlying Lanham Act lawsuit, obtaining three victories from the Ninth Circuit Court of Appeals and ultimately establishing the insurer had a duty to defend the underlying action, and a duty to indemnify the insured for its settlement of the underlying action.
- Duty to Defend: Brought coverage action against insurer refusing to defend an underlying trademark infringement lawsuit, quickly and successfully bringing a motion for summary adjudication and obtaining an early ruling establishing the insurer's duty to defend while the underlying action was still pending.
- High Value First-Party Property Loss Recovery: Successfully negotiated additional mid-seven-figure recovery without litigation after property insurer represented that full policy limits had already been paid on a large fire loss.
- Representations and Warranties Policy Recovery: Negotiated high six-figure recovery on buyer-side representations and warranties insurance policy without filing coverage litigation, with insurer-funded contribution crucial in bridging the gap in settlement figures to resolve contentious arbitration proceeding.

WHAT OTHERS ARE SAYING

"Procopio's Insurance Recovery Group really came through for us by ensuring we received critical insurance monies, far more than our insurer was inclined to provide. The funds they secured proved critical in resolving a contentious asset purchase and resulting arbitration. Procopio and Sasha Selfridge fought to secure the insurance monies despite strong resistance from the insurer. I have great confidence in Procopio and its attorneys to understand complex insurance issues and secure successful resolutions for our company."

-- Charles Padgett, Chief Financial Officer, Neology

"After our luxury lodge suffered a catastrophic fire, the payout our insurance company offered us fell far short of covering our losses. I turned to Mike Changaris, one of the attorneys at Procopio, as well as a trusted friend and advisor for me and my family for more than a decade. Procopio and their attorneys delivered. Thanks to the diligent work of Procopio and Alexandra "Sasha" Selfridge, we ended up



receiving nearly four times the initial amount offered by the insurance company without even having to file a lawsuit. Procopio's Insurance Recovery team knows how to ensure their clients receive the maximum coverage with minimum strife."

-- Owner, "The Lodge"

