



One Firm WorldwideSM



INSURANCE COVERAGE – EUROPE AND THE FAR EAST

A well-run company will seek to protect its balance sheet by having in place a range of insurance policies designed to respond to sudden and unexpected loss events—events that might otherwise threaten the bottom line.

Typically these will divide into material damage (or “first-party”) policies, such as those intended to respond to fire damage or theft, and liability (or “third-party”) policies, designed to respond if a company faces liability to a third party, perhaps in respect of a defective product or negligently provided service.

A good insurance broker will provide advice on the types of policies that are necessary, depending upon a particular company’s exposure.

Whatever type of policy is considered, however, all policies have one thing in common: if a claim is notified, the policyholder will expect its insurer to provide an indemnity.

It can therefore be very disappointing and stressful for a corporate policyholder sometimes to find that indemnity is denied.

If a company finds itself in such a situation, it is essential to have a good broker to act as its advocate: an experienced claims broker can make all the difference in getting a valid claim paid.

There are instances, however, when, for a variety of reasons, an impasse may be reached, and that’s where Jones Day can help.

THE INSURANCE COVERAGE PRACTICE AT JONES DAY

Jones Day lawyers have a wide breadth of experience in acting for policyholders in matters involving all forms of insurance coverage litigation and advice. In the US, the Firm represents numerous household-name policyholders in dozens of matters in both State and Federal

courts. Better-known clients include Bridgestone/Firestone, Hanson PLC, Motorola, Texas Instruments and Toyota. A separate brochure is available showcasing our US practice.

In Europe and the Far East also, our lawyers act on behalf of commercial policyholders in dispute with their insurers over coverage issues. London is a natural centre, and here our experience includes disputes across a wide range of classes of insurance, from Aviation, Bloodstock and D & O, through to Oil & Gas and Warranty and Indemnity.

Our practice leaders have many years of experience in the insurance sector and understand the dynamics of coverage disputes.

For example, if a claim has been notified and yet insurers are seeking to deny cover:

- was an exclusion upon which the insurer is perhaps trying to rely, really intended to allow that insurer to deny coverage in the circumstances that pertain? Perhaps the insurer is being opportunistic in seeking to argue such intent now that a claim has arisen. It will be for the insurer to prove the exclusion applies, and Jones Day knows how to help a policyholder in seeking to rebut such arguments.
- perhaps there is an allegation that the policyholder has misrepresented or failed to disclose a material fact when proposing for the insurance, such that the insurer now argues

that the policy is void. Jones Day can help address the pitfalls of such a situation and work with the policyholder in establishing just what was said to the insurer and assess—with reference to expert evidence—the true materiality of anything omitted or said to have been misrepresented.

Few other firms that focus solely on policyholder insurance coverage issues can offer the worldwide litigation resources of Jones Day.

Beyond our ability to help resolve clients' disputes with their insurers over existing insured losses, the Firm is also experienced in providing advice on noncontentious insurance issues. Such issues often arise in connection with substantial corporate acquisitions or disposals, or when examining pertinent indemnity insurance provisions in commercial contracts. We are well placed to work with your brokers in developing imaginative and robust solutions.

ADDITIONAL INFORMATION

For additional information regarding our insurance capabilities, please contact your principal Firm representative or one of the lawyers listed in this publication. General e-mail messages may be sent using our "Contact Us" form, which can be found at www.jonesday.com.

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