

Your World First

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Law . Tax

CMS Property Insurance

Coverage, major losses and recoveries

2014

Introduction

At CMS, we are a leading international law firm who pride ourselves on putting your world first.

Our clients benefit from our lawyers' in depth industry knowledge combined with our extensive experience advising on key multi-jurisdictional transactions and disputes for multi-national clients across the globe. Our deep-rooted insurance sector expertise enables us to deliver relevant practical and commercially astute legal solutions to our clients.

With over 2,800 lawyers, across 56 offices, CMS is the largest European law firm but one which also has a global reach. We are truly international and we have a great understanding of the cultural and business variations that apply across the territories that we cover. Our strong local presence and international capability enables us to provide services where our clients need them. Leading domestic and international organisations work with us because of our legal expertise and industry sector knowledge, combined with our extensive geographical scope.

Our Insurance and Reinsurance Group is a recognised market leader and is consistently ranked among the UK's top legal insurance practices in the leading legal directories. Our many leading individuals and specialists regularly handle large, complex cases and are involved in most major market disputes. Our highly regarded Property Insurance team regularly provides advice to the insurance market on property coverage issues, disputes and subrogated recovery actions.

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Property coverage and advisory

We have advised in relation to a number of complex property issues internationally and in the UK. Examples include:

UK

Advising in relation to:

- property damage arising from the 2011 riots
- multiple fires at various waste management and recycling sites in England and abroad
- several wind farms (onshore and offshore), including the largest wind farm in the world, Dogger Bank and the multi-£billion Inch Cape and Moray Firth offshore wind energy developments
- a range of matters concerning the upgrade of the Victoria line and claims arising from the Jubilee Line extension project
- coverage issues arising out of the Heathrow Express tunnel collapse
- damage to a motorcycle production factory caused by fire, with a value of £100 million
- the construction of a large retail development in the South of England.

International

Advising in relation to:

- operations and issues at a number of wind farms in Germany, Italy, Bulgaria, Poland, Czech Republic, Romania, Ukraine, Serbia, Tanzania, South Africa and Brazil
- solar power plants in Bulgaria, Czech Republic, Ukraine and Italy
- the construction of the airport facilities in Sofia and Berlin
- the construction of over 150km of motorways and A-type roads in Slovakia
- an automotive manufacturing plant in Serbia
- the construction of the National Stadium in Poland, an electricity power plant in Slovenia, an alternative-fuel power plant in Germany, railroads in Russia and India
- a shopping centre development in Switzerland
- bridge collapses in Mexico and Russia
- terrorist attacks on major pipelines in Turkey
- damage to a power plant in Thailand caused by fire
- earthquake damage to tunnelling and a viaduct serving the Anatolian Motorway in Turkey
- claims arising from the Melbourne City Link in Australia
- claims arising out of the collapse of a section of the Singapore MRT Circle Line extension
- coverage issues under consequential loss cover provided in respect to Taiwan High Speed Rail Link, following tunnel collapses
- explosions at a chemical processing plant in India
- shipyard construction in Brazil
- hurricane losses to various risks in the Caribbean
- blast furnace failures in Indiana, UK and Germany
- recovery of property losses for multi-national energy companies and their insurers, as well as in property liability disputes
- abuse of Binding Authority Agreements.

Major losses and contested coverage

We also frequently advise on complex, high value disputes involving coverage or quantum issues. We understand the complexities of placing large risks into international (re)insurance markets and how to resolve disputes that can arise.

We have acted or advised in relation to a number of major market losses including:

- Buncefield
- Exxon Valdez
- World Trade Centre
- Canadian oil sands
- Piper Alpha
- New Zealand earthquakes
- Queensland and Thailand floods.

Examples include:

- representing insurers in arbitration proceedings in relation to the explosion at the Total Fina Elf Toulouse Refinery
- advising insurers on coverage issues in relation to a claim made by a large aluminium producer/manufacturer resulting from interruption in power supply caused by the explosion at the Rusal hydro-electric power station in Serbia
- acting for the insurers of the Saudi Arabian State power company in 16 arbitrations
- defending a global insurer in a dispute with a multi-national company that claimed losses following the collapse of a structure in Russia
- acting for reinsurers of numerous geothermal power construction projects in Indonesia on issues arising in arbitrations
- acting for the insured in arbitration proceedings with all risks insurers following the explosion and destruction of a fertiliser production plant in Louisiana
- arbitration relating to the construction of a port facility in Egypt
- restructuring various property coverage and business interruption disputes by mediation or ADR.

We are also very familiar with property treaty reinsurance coverage and the recovery issues which frequently arise for risks or catastrophe losses. We are very experienced at conducting reinsurance litigation, arbitration and alternative dispute resolution.

We are also used to acting as supervisory or monitoring counsel in connection with proceedings internationally whether with CMS colleagues or other local counsel.

Subrogated recoveries

We are experienced at pursuing recovery actions for property insurers and their insureds. For appropriate cases we are also willing to act on contingent fee arrangements.



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