

Obtaining Insurance Coverage in the Aftermath of Hurricane Ike: How Morgan Lewis Insurance Recovery Lawyers Can Help You

September 17, 2008

The losses incurred by policyholders due to Hurricane Ike implicate various types of insurance coverage, including the following: (i) first-party property policies that pay for property damage, business interruption, extra expense, contingent business interruption, and other types of losses; (ii) flood policies issued by the U.S. Government; (iii) general liability policies that are invoked in the event the insured incurs liability to third parties; (iv) environmental impairment policies that apply in the event of liability to remediate environmental damage; and, possibly, (v) directors' and officers' liability policies that protect against a broad range of negligent conduct. To protect your full rights to insurance coverage in a complicated claims process, careful attention must be given from the outset of the process to analysis of potential coverage issues and exclusions and limitations on coverage.

Lawyers in Morgan Lewis's Insurance Recovery Practice are available to provide assistance and counseling to help guide clients through a successful claim process following natural disasters, including the following:

- Collecting relevant insurance policies and insurance information.
- Analyzing your insurance policies, including environmental impairment liability and other specialty coverages, to determine those that are most likely to provide coverage for your loss.
- Reviewing your insurance policies to identify the steps required to provide notice and submit a claim for your loss.
- Identifying key limitations and exclusions to be avoided in the notice and proof-of-claim process.
- Identifying and analyzing critical coverage issues, such as the scope of coverage, the applicability of flood exclusions, causation, and concurrent causation—all of which may affect recovery under first-party policies.
- Through our eData team, identifying and preserving vital corporate records, and establishing a repository for official business records, including those records necessary for determining the extent of any loss.
- Assisting with the preparation of notices and proofs of loss in a timely manner, in the proper form, and in a way that avoids application of exclusions or other limitations on coverage.

- Assisting in compliance with and documentation of pre- and post-loss mitigation efforts that may affect recovery.
- Providing advice and referrals for hurricane, economic damage, and loss-estimation experts who may be required to present and perfect the insurance claim.
- Coordinating and working with appraisers, adjusters, and outside examiners and consultants to ensure that data is collected and submitted to your insurer in an acceptable manner.
- Ensuring that applicable privileges are maintained with outside consultants retained on your behalf, thereby avoiding unnecessary disclosure of information in the event a coverage dispute should arise.
- Providing analysis and assisting consultants with the valuation and calculation of your claim to ensure that each type of coverage available to you under each of your policies is fully considered and maximized.
- Assisting in claims negotiations, including arranging for advances on claims where available.
- Negotiating suit limitation provisions to protect your right to contest restrictions on or the denial of your claim.
- Negotiating lease financing options with respect to temporary relocation of business operations if necessary.
- Assisting in resolving any and all coverage disputes that might arise.
- Providing assistance with regard to any other legal issues that might arise due to your loss.

The claims submitted due to loss inflicted by Hurricane Ike likely will present complicated and difficult coverage issues. Attention to the timing, form, and content of insurance notices, proofs of loss, and other communications with insurers is essential to ensure recovery of the maximum amount under all available insurance policies. Morgan Lewis Insurance Recovery Practice attorneys have experience working with companies filing natural disaster claims, including those that arose out of Hurricanes Katrina and Rita, and can assist in this process.

If you would like to obtain further information on how we can be of assistance, please contact any of the following Morgan Lewis team members:

Houston

Ted Cruz	713.890.5139	tcruz@morganlewis.com
Brady Edwards	713.890.5110	bedwards@morganlewis.com
Lucas T. Elliot	713.890.5185	lelliot@morganlewis.com
Sandra L. Phillips	713.890.5715	sphillips@morganlewis.com
Denise Scofield	713.890.5105	dscofield@morganlewis.com

Boston

Jeffrey W. Moss	617.235.7253	jmoss@morganlewis.com
-----------------	--------------	--

Chicago

Kevin Dreher 312.324.1143 kdreher@morganlewis.com

Los Angeles

Michel Y. Horton 213.612.7300 mhorton@morganlewis.com
Charles J. Malaret 213.612.7305 cmalaret@morganlewis.com
Michael J. Miguel 213.612.7310 mjmiguel@morganlewis.com

Miami

Derek E. León 305.415.3431 dleon@morganlewis.com

New York

Christopher C. Loeber 212.309.6180 cloeber@morganlewis.com
David A. Luttinger, Jr 212.309.6177 dluttinger@morganlewis.com

Philadelphia

Richard F. McMenamin 215.963.5596 rmcmenamin@morganlewis.com

Princeton

Christopher C. Loeber 609.919.6672 cloeber@morganlewis.com

San Francisco

Dawn S. Pittman 415.442.1225 dpittman@morganlewis.com
Jeffrey S. Raskin 415.442.1219 jraskin@morganlewis.com

Washington, D.C.

Paul A. Zevnik 202.739.5755 pzevnik@morganlewis.com
Howard T. Weir, III 202.739.5195 hweir@morganlewis.com

About Morgan, Lewis & Bockius LLP

Morgan Lewis is a global law firm with more than 1,400 lawyers in 22 offices located in Beijing, Boston, Brussels, Chicago, Dallas, Frankfurt, Harrisburg, Houston, Irvine, London, Los Angeles, Miami, Minneapolis, New York, Palo Alto, Paris, Philadelphia, Pittsburgh, Princeton, San Francisco, Tokyo, and Washington, D.C. For more information about Morgan Lewis or its practices, please visit us online at www.morganlewis.com.

This information is provided as a general informational service to clients and friends of Morgan, Lewis & Bockius LLP. It should not be construed as, and does not constitute, legal advice on any specific matter, nor does this message create an attorney-client relationship. These materials may be considered Attorney Advertising in some states. Please note that the prior results discussed in the material do not guarantee similar outcomes.

© 2008 Morgan, Lewis & Bockius LLP. All Rights Reserved.