

Insurance Litigation

Edwin Coe assists and advises clients on a wide range of disputed insurance claims arising from denial of liability and policy avoidance by insurers.

We have specialised in insurance litigation for more than 35 years and are ranked as a leading firm in this area of law, commonly advising in the following situations:

- **Breach of warranty** – claims denied on the basis of a breach of warranty or general condition
- **Business interruption** – claims for business interruption which flows from losses suffered from an insured peril
- **Fires** – where manufacturing and warehousing facilities have been destroyed
- **Floods** – where flooding has ruined stocks of goods such as carpets, clothing, textiles, pharmaceuticals, plant and machinery
- **Professional negligence** – claims against intermediaries for professional negligence, for loss of indemnity and under-insurance
- **Cyber Risks** – advising policyholders in relation to losses and policy coverage issues arising from damage to or loss of information from IT systems and networks as a result of data theft, network outages, viruses and fraud.

- **Theft** – where valuable stock vital to the continued commercial trading of a client, has been stolen
- **Third Party claims** – for uninsured losses.

Our experience, coupled with our strengths in commercial and insolvency work, enable us to assist clients not only in dealing with their disputed claim, but also in coping with cash flow, trade creditors and many other related commercial problems that often arise from the delayed settlement of an insurance claim.

We receive a high level of referrals from professional intermediaries, accountants, assessors, brokers and other lawyers and we have strong connections with professionals in related fields, from barristers to forensic scientists, forensic accountants, specialist brokers and expert underwriters. Their expertise helps us to produce the best results for our clients.

In appropriate cases we will act on a “no win, no fee” basis.

‘Edwin Coe LLP has built a successful track record in this field over the past 35 years, giving it an almost unrivalled experience.’

Legal 500 2019

‘All the partners are absolutely at the top of their game.’

Chambers UK 2020

Examples of our work

- Acting on a £20 million claim regarding a commercial all-risks policy for a large CD/DVD manufacturer following a serious fire. The issues raised in the proceedings addressed points of law concerning moral hazard, material non-disclosure, misrepresentation and breach of condition precedent/breach of warranty.
- Advising a large UK crisp manufacturer on its negotiations with loss adjusters, following the settlement of a £12 million claim.
- Acting for the directors of an independent financial advisor pursued by the FCA for the alleged mis-selling of precipice bonds and SCARPS, including advising the directors on coverage issues arising on the D&O policy.
- Acting for the owner of a commercial building which collapsed into the street following extensive refurbishment work at the premises. The insurers refused to pay the claim. We advised on suing the architects and engineers for professional negligence.
- Advising a high street clothing business on issues of non-disclosure and what constitutes a material fact.
- Acting for a number of claimants pursuing claims for uninsured and under-insured losses and business interruption, arising from the explosion of a petrol depot in Buncefield. The explosion caused significant damage to surrounding businesses.



→
'The Rolls-Royce of firms acting for policyholders.'

Legal 500 2019

'They are not afraid to take matters to trial and get excellent results.'

Legal 500 2020

'Edwin Coe LLP provides excellent client service, with an immediate understanding of the issues involved and providing the advice required.'

Chambers UK 2018

- Acting for a restaurant against its brokers for negligence regarding under-insurance of business interruption cover connected with the tronc.
- Advising in respect of a £multimillion fire claim on behalf of a leading laundry chain providing services to the NHS. This matter involved alleged non-disclosure and related professional negligence claims against the client's brokers.
- Acting for a leading London street market against its brokers in relation to a fire which caused approximately £8 million of damage.
- Advising a boat building company on a claim against its former insurance brokers for breach of duty in respect of losses due to substantial under-insurance in respect of its business interruption cover following a serious fire.
- Advising litigation funders of their entitlement to an indemnity in respect of adverse costs under an ATE policy including advising on the construction of the policy wording and exclusion clauses.
- Acting for a firm of consulting engineers after a claim of negligence was brought against them in relation to an underpinning scheme, and pursuing a claim against the brokers who arranged the client's Professional Indemnity (PI) cover which did not respond.
- Advising a major food manufacturer in a negligence action against its former insurance brokers for losses suffered as a result of under-insurance in relation to plant machinery and business interruption following a serious fire. This claim resulted in the recovery of a seven figure sum in damages.
- Advising a ready meals producer on the enforceability of a composite panels warranty and on a related claim against its insurance brokers for failing to advise on the meaning of the word 'combustible.'
- Advising a waste management company in relation to the construction and application of conditions precedent to liability and the status of and duties owed by sub-brokers and underwriting agents.
- Acting for a property re-development company in a claim against its insurers and insurance brokers following a large fire at a site owned by the company, which was due to be redeveloped. The insurance issues concerned alleged non-disclosure/misrepresentation of material facts and breaches of warranty. The claim against the brokers raised the interesting question as to whether a previous alleged non-disclosure of a material fact can itself be a material non-disclosure.
- Acting for and advising a number of policyholders in relation to Jeweller's Block policy coverage issues following thefts or large losses.
- Advising a professional partnership in respect of a policy coverage dispute with its primary and excess layer professional indemnity insurers arising out of a former partner's £9 million fraud against a client.

Our Team



Roger Franklin
Head of Insurance
Litigation
t: +44 (0)20 7691 4044



Michael Whitton
Partner
t: +44 (0)20 7691 4043



Nicola Maher
Partner
t: +44 (0)20 7691 4069



Kate Dwyer
Senior Associate
t: +44 (0)20 7691 4101



Oliver Pannell
Senior Associate
t: +44 (0)20 7691 4092



Anthony McGeough
Associate
t: +44 (0)20 7691 4144

For further information please contact a member of the team on +44 (0)20 7691 4000 or e-mail a team member direct: firstname.surname@edwincoe.com

For individual profiles please visit our website: www.edwincoe.com

Edwin Coe LLP
2 Stone Buildings
Lincoln's Inn
London
WC2A 3TH

t: +44 (0)20 7691 4000
e: info@edwincoe.com
edwincoe.com

Edwin Coe LLP is a Limited Liability Partnership, registered in England & Wales (No.OC326366). The Firm is authorised and regulated by the Solicitors Regulation Authority. A list of members of the LLP is available for inspection at our registered office address: 2 Stone Buildings, Lincoln's Inn, London, WC2A 3TH. "Partner" denotes a member of the LLP or an employee or consultant with the equivalent standing.