



BLACK & GERNGROSS, P.C.

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PRACTICE AREAS

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INSURANCE

INSOLVENCY • REGULATORY • REINSURANCE •
COVERAGE • INTER-COMPANY DISPUTES

The following are representative of past and present client matters:

INSOLVENCY

- Representation of several state insurance commissioners in their capacities as rehabilitators or liquidators of insolvent insurance companies. Our representation includes:
 - administrating and marshaling assets
 - investigating, analyzing and prosecuting claims
 - obtaining judicial enforcement of lawsuit injunctions in other jurisdictions based upon full faith and credit, comity or reciprocity under the Uniform Insurers Liquidation Act or the Insurers Supervision, Rehabilitation, and Liquidation Model Act
 - evaluating and defending claims
 - investigating, analyzing and prosecuting complex civil lawsuits against former company directors, officers, investment advisors and financial consultants to recover damages for their role in causing, aiding or masking the distressed financial condition of the insurer
 - developing, implementing and executing litigation strategies to recover assets and maximize recovery to policyholders and guaranty associations
 - assisting federal and state law enforcement agencies, including the United States Department of Justice, to prosecute white collar criminals responsible for the financial demise of the insurer
 - assisting the United States Department of Justice in the prosecution of criminal forfeiture actions to recover stolen assets involved in criminal conspiracies and money laundering activities
 - working closely with guaranty associations to protect their interests
 - representing insolvent insurers in disputes with other insolvent insurers concerning claims to ownership of assets in the unwinding of reinsurance trusts
 - representing insolvent insurers in disputes with cedents, reinsurers, retrocessionaires and intermediaries
- Representation of directors and officers of insolvent insurers in defense of claims brought against them by rehabilitators and liquidators
- Representation of insurance company in constructive trust litigation to recover assets in the possession of an insolvent insurer's receiver

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REGULATORY

- Representation of insurance commissioners in inter-state disputes with other state insurance commissioners in matters of regulatory control
- Representation of insurance commissioners in insurance department regulatory hearings
- Representation of insurers and reinsurers in disputes arising from Form A change of control applications
- Representation of insurance producer in license revocation proceedings
- Representation of insurance regulatory filing consultant in dispute with several state insurance departments arising from rate and form filings
- Representation of employer in state licensing board disciplinary action against licensed employee arising from employee's conduct
- Representation of insurance carrier in litigation against state insurance department in matter arising out of market conduct examination findings and subsequent Orders
- Representation of long term health insurance carrier in appeal from state insurance department disapproval of rate increase application

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REINSURANCE

- Representation of cedents, reinsurers and retrocessionaires in disputes involving treaty or facultative certificate interpretation, ex gratia payments, late notice, improper underwriting or claims practices, improper supervision of managing general agents or third party administrators or breaches of the duty of uberrima fides
- Representation of cedents in disputes with managing general agents or third party administrators arising from improper underwriting and claims practices

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COVERAGE

- Representation of insurers in coverage disputes arising from the professional negligence of managing general agents
- Representation of insureds in coverage disputes arising from employment practices
- Representation of insured in coverage disputes arising from flood damage to commercial premises
- Representation of insured building owner in coverage disputes arising from fire damage to multi-tenant commercial premises
- Representation of insured in coverage dispute arising from property damage to river boat gaming vessel
- Representation of third party beneficiary in coverage dispute arising from boarding and riding stable liability
- Representation of insureds in first party coverage disputes arising from health, disability or long term care insurance

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INTER-COMPANY DISPUTES

- Representation and defense of insurers in claims against and by managing general agents arising from program business
- Representation of majority shareholder of insurance company in dispute arising from purchase of failing insurance company
- Representation of regulatory consultant in disputes with insurers concerning rate and form filings
- Representation of bail and surety specialty insurer in contract dispute with managing general agent concerning premiums and commissions
- Representation of major multi-line insurer in contract dispute with managing general agent

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- Representation of workers' compensation insurance broker in dispute with insured arising from application mis-representations

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