

Representations and Warranties (R&W) Insurance

As reps & warranties insurance has become an essential insurance product to facilitate mergers and acquisitions, disputes are arising concerning insurance recovery and other recourse after the deal closes. We represent insurers in evaluating alleged breaches of representations and warranties and working with forensic accounting professionals to validate the alleged loss and claimed damages.

Because the claims arise in the context of deals in a variety of industries, we utilize the specialized expertise of our colleagues in Corporate, Government Contracts, Health Care, Telecom, Media & Technology, and other Wiley practices to efficiently evaluate matters to expedite the claim resolution process.

Representative matters include:

- Aided insurer in resolving claim involving alleged non-Generally Accepted Accounting Principles (GAAP) accounting treatment, financial shortfalls, and other alleged breaches of reps and warranties and issues with respect to the application of the Earnings Before Interest, Taxes, Depreciation, and Amortization (EBITDA) multiple to the claimed damages amount.
- Advised insurer regarding alleged breaches of fundamental and general representations in connection with a stock purchase agreement.
- Represented insurer in connection with claimed breaches of representations and warranties regarding government contracts and private contracts.
- Assisted reps and warranties insurer in connection with buyer's claim of fraudulent conduct by seller and issues of subrogation.
- Represented insurer in reps and warranties claim involving alleged breaches of reps and warranties concerning seller's financial statements and products liability.