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REPRESENTATION AND WARRANTY INSURANCE CLAIMS

An increasing number of domestic and international mergers and acquisitions rely on representation and warranty insurance policies to insure a buyer against losses arising from seller's breach of the representations and warranties found in the acquisition agreement. The number of policies issued each year continues to climb steadily, and an increasing number of buyers are making (or considering making) claims under their policies. Our representations and warranty insurance claims team, led by partners Gardner Culpepper and David Thunhorst, assists clients with the evaluation, presentation and pursuit of these claims. Our team, with significant experience in both litigation and M&A transactions throughout the country, can help buyers determine whether an insured breach of the acquisition agreement has occurred, advise with respect to the proper calculation of insurable damages and help maximize the recovery under the policies by negotiating with the insurance carriers or by pursuing arbitration or litigation, if necessary. Our interdisciplinary approach to handling representation and warranty insurance claims is a significant benefit our clients, as many of the issues in these matters require a thorough understanding of M&A transactions as well as litigation strategy and procedure. In appropriate matters, we are frequently able to offer alternative fee arrangements to provide these services. If you have questions about a potential claim, please contact [Gardner Culpepper](#).