

# Commercial Insurance: Property

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**One of the largest, cross-skilled and experienced teams advising in the field of property damage claims. What set us apart is our commitment to not only deliver commercially driven, practical solutions on claims but also to assist insurers and their policyholders with risk management focus and deliverable solutions. We are continually entrusted by insurers to advise on and deliver resolutions on many of their most significant and complex property damage claims, spanning the multiple industries and sectors in which they operate both nationally and internationally.**

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## What we do

DWF's Property Damage Group provides a full range of services spanning:

- First Party Property Damage (FPPD) - policy indemnity advices and disputes
- Third Party Property Damage (TPPD) - defending third party liability claims pursued against policyholders including under property owners liability (POL) covers
- Subrogated Recoveries - pursuing claims to recoup insurers' outlays paid under their own policies
- Policy Drafting - the drafting and revision of insurers' policy documentation

We strive to adopt a realistic approach, including drawing out and factoring into account any particular commercial and market brand considerations that may be of importance when insurers are considering claim adjustments, repudiation and/or policy avoidance.

## We provide:

- A partner led service, with experienced and dedicated client teams.
- National and international coverage.
- Incisive Management Information that drives improvements and optimises performance.
- A wide and varied sector-driven expertise in dealing with property damage claims, including for e.g. property owners, construction & utilities, manufacturing, warehousing, retail, real estate, and hotel & leisure.
- Complaints handling advisory services including dealing with a wide range of FOS matters.

## Examples of our work include:

On policy indemnity disputes following losses in both the UK and many international jurisdictions, we have advised insurers:

- As to declinature of an £8.2m claim for fire loss for non-disclosure where the policyholder had previously failed to disclose substantial operating losses on renewal;
- Of a school as to possible declinature of a £20m fire loss claim where the policyholder may not have held a sufficient insurable interest in the property under the Local Authority building arrangements;
- On a Euro 4million fire claim at a large multi-tenanted shopping centre, advising insurers on coverage including linked German real estate law, as well as insurance law;
- Routinely on breaches of conditions precedent and warranties (e.g. security and inspection; hot works; external waste storage; sprinklers);
- On dozens of large loss fire cases, with complex policy indemnity issues requiring resolution. Numerous matters with a quantum range well beyond £50m, and routinely in excess of £10m;
- On reinsurance claims arising from the Tianjin explosions (over £100m losses);
- On many complex business interruption claims, including following severe damage to iconic and other heritage buildings in the UK;
- On recovery following fire damage (Euro £3m+) at a car parts supply warehouse facility in Portugal;
- In arbitrations and mediations relating to excess cover for professional lines liability arising out of a delayed gasification plant in Italy. Issues included analysis of BI and critical paths, number of retentions and aggregation of claims;

- In relation to property damage and business interruption claims resulting from an explosion at a chemical plant in Louisiana, including as to the definition of occurrence;
- In a reinsurance dispute in relation to property damage and business interruption claims following damage to chemical facilities in Louisiana as a result of Hurricane Katrina, including on effect of the 72 hours clause;
- Insurers in a dispute over property damage and BI claims resulting from damage to industrial plants in Texas and Louisiana following Hurricane Rita;

**Some examples of our defence work on Third Party Property Damage (TPPD) liability claims include:**

- advising insurers of a defendant in the Lancashire Business Park fire in December 2011, the losses from which are said to be up to £100m;
- acting for an Insured in defence of an £8m action within which the claimants, financial brokers based in the City, contended that the insured's failure to maintain the Uninterruptable Power Supply at their offices caused a fire and resulted in complex financial trading losses
- defending a +£3.5m claim for allegedly negligent design of an automated Carbon Dioxide fire extinguishment system at a large aluminium strip mill complex
- instructed by the insurers of a defendant water treatment company in respect of a claim brought by the landlords in

relation to water damage said to have occurred as a result of the water treatment company's negligent flushing of a large building's chilled water circuit

- Wide variety of claims made against contractors, sub-contractors and others following activities on site leading to fires and floods, not infrequently including the thorny presence of hot works warranties;
- Acting on behalf of an insured who designed, installed and commissioned an electronic control system for a cocoa roasting plant, in relation to claim for some £0.7m following an outbreak of fire within the plant.

**Why DWF?**

We have an outstanding, proven track record of successfully dealing with a wide range of property insurance matters for insurers, loss adjusters and corporates for more than 30 years.

Our team provides national and international coverage, and deals with a wide range of disputes including first party, third party property damage and subrogated recovery claims.

We understand that you need a specialist and dedicated team that responds rapidly, identifies merits and risks and keeps advice clear and deliverable.

We have one of the largest and most experienced teams in the country covering all UK jurisdictions as well as International.

**Contacts**



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