



Opioid litigation insurance recovery

Integrated Casualty Consulting

Thousands of lawsuits have been filed by plaintiffs, which include thousands of counties, tribal authorities and individuals from across the U.S. seeking billions of dollars to cover the cost of addiction treatment programs, health care and other services. The plaintiffs involved may ultimately include an unprecedented “negotiation class” of every city and county nationwide. Defendants include some of the health care industry’s biggest manufacturer, distributor and retailer names, but they range from individual physicians and pharmacies to huge conglomerates accused of fueling the nationwide opioid epidemic.

As defendants mount vigorous defenses to these lawsuits, it becomes painfully clear how expensive this exposure can be, regardless of whether the claims have merit.

It is important for defendants to examine their historical insurance policies, both to find coverage to offset litigation costs and to be sure they preserve their rights under those policies. We can assist with that effort.

Services we offer

Claims management

We help clients maintain control of, and a record of, who said what to whom and when by:

- Acting as a central point of communication with dozens of insurers and their counsel
- Placing all potentially responsive insurers on notice
- Tracking and summarizing insurer responses

Insurance claim dispute resolution

We help clients avoid the risk, expense and delay of coverage litigation by leading or supporting insurance recovery efforts by providing:

- Consultative advice and guidance on the development and execution of insurance recovery strategies
- A channel of communication to senior, “decision maker” claim contacts at major insurance markets

Loss allocation modeling

We can analyze how insurance programs may offset losses, and we offer solutions to provide you with:

- Mathematical results to develop settlement demands and support settlement strategy
- A framework for analyzing positions taken by insurers during settlement negotiations
- The ability to test the financial impact of varying assumptions about legal uncertainties
- An estimation of insurance asset value available to offset current and potential future liabilities
- Analysis of cash flow requirements

Insurance asset size estimation

Valuing insurance receivables, we help clients understand how key variables may impact the value of potentially available coverage. These variables often include:

- Choice of law used to interpret the insurance contracts
- “Vertical” versus “horizontal” exhaustion
- Prior limit erosion/exhaustion
- Trigger of coverage theories

- Loss allocation method applied
- Number of “occurrences” at issue
- Insolvent insurers
- Applicability of aggregate limits
- Gaps in coverage
- Treatment of defense costs
- Applicability of deductibles/self-insured retentions
- Relevant coverage exclusions
- Applicable clauses/provisions
- Prior settlement(s) with insurers
- Shared coverage
- Limits available under multi-year insurance contracts or “stub” policies

Insurance archaeology

We reconstruct historical insurance programs and assist clients in locating policies by:

- Reviewing internal historic records and archives
- Interviewing current and former personnel
- Contacting former insurance brokers
- Helping to identify and contact other potential outside sources of policy information
- Contacting insurers to coordinate additional research

About Willis Towers Watson

Willis Towers Watson (NASDAQ: WLTW) is a leading global advisory, broking and solutions company that helps clients around the world turn risk into a path for growth. With roots dating to 1828, Willis Towers Watson has 45,000 employees serving more than 140 countries and markets. We design and deliver solutions that manage risk, optimize benefits, cultivate talent, and expand the power of capital to protect and strengthen institutions and individuals. Our unique perspective allows us to see the critical intersections between talent, assets and ideas – the dynamic formula that drives business performance. Together, we unlock potential. Learn more at willistowerswatson.com.

For additional information contact:

James F. Dorion

Head of Liability Claim Consulting &
Carrier Relations
Integrated Casualty Consulting
D +1 212 915 8917
M +1 203 908 1236
james.dorion@willistowerswatson.com



willistowerswatson.com/social-media

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