



Insurance Litigation

For decades, Winston has represented a broad array of clients in the insurance industry, including some of the world's largest and best-known insurers. Our prowess in and understanding of the insurance industry encompasses not only its products, practices, and services, but also the increasing challenges posed by a world increasingly characterized by a fast-evolving technological landscape as well as financial, political, and environmental instability. Accordingly, Winston's lawyers are among the most sought-after in the industry—not only by companies currently facing high-stakes litigations and investigations, but by those looking to take preventive action now in order to mitigate and manage their risk in the future.

Consistent with Winston's reputation as a litigation powerhouse, our experience on behalf of insurance companies spans high-stakes complex commercial litigation (including coverage litigation), class action defense, governmental investigations, privacy and data security, labor and employment, antitrust litigation and compliance, and appellate and critical motions. As a result of this depth of experience, we have developed a singular reputation as a go-to firm for matters that present complex dynamic questions, significant financial exposure (whether on behalf of a single policyholder or a class), regulatory risk, or reputational concerns.

Key Contacts

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Areas of Focus

High-Stakes Insurance Litigation

Winston's insurance coverage litigation team has extensive experience handling all aspects of important coverage disputes, from pre-litigation advice and negotiation all the way through high-stakes trial and appellate representations. Our representations included defending one of the world's leading property and casualty insurers in a series of cases arising from Superstorm Sandy, all of which resulted in judgment in favor of the insurer, including a summary judgment victory in a dispute with a major U.S. university alleging nearly \$2 billion of damage to its campus. In the past three years, our team has also successfully litigated more than two dozen cases brought by policyholders seeking business interruption insurance for losses stemming from the COVID-19 pandemic, including a number of bellwether victories in the Second Circuit, Seventh Circuit, and numerous state appellate courts. More broadly, our clients routinely entrust us with their largest and most complex coverage disputes relating to high-risk perils such as hurricanes, freezes, fires, floods, data breaches, and cyberattacks. Indeed, over the past five years alone, our team has obtained judgment as a matter of law on claims worth tens of billions of dollars. The novel issues involved in some of these disputes will help shape the future of insurance law for years to come.

Winston's proficiency is not just limited to coverage matters, however. As discussed below, our team is well-recognized for their class action capabilities, and our insurance clients have increasingly been turning to our litigators for help in other types of disputes that do not involve coverage issues or claims handling, including employment discrimination litigation, antitrust investigations and litigation, and government/white collar investigations.

Insurance Consumer Class Actions

Our class action litigators routinely defend major insurance companies in their most challenging cases—developing winning strategies to defeat class certification, achieve favorable settlements, and, if necessary, take complex cases to trial. We have defended insurance companies in class actions for decades on the life, health, annuity, accident and disability, and long-term care sides of the industry as well as its property/casualty side. The issues in these cases have run the gamut, including:

- interpretation of allegedly ambiguous insurance policies;
- sales practices claims under different states' consumer protection statutes;
- denial of benefits;
- suitability of annuities;
- claims payment practices;
- modal premiums;
- unclaimed property;
- statutory accounting and premium reporting;
- class arbitration; and
- changes in non-guaranteed elements of universal life policies.

Our litigators have earned a reputation for handling the most complex class action matters and have a proven track record of success at all procedural stages – via dispositive motions, at the certification stage, in settlement, at trial, and on appeal. These cases involve both nationwide and state putative classes, as well as multidistrict litigation proceedings, often raising complex legal and procedural issues under the Class Action Fairness Act (CAFA).

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Privacy Litigation

Our widely recognized privacy litigation attorneys have robust experience defending insurance industry clients in the rapidly developing field of privacy and data security litigation. Our attorneys concentrate on defending and resolving cases involving privacy statutes such as the California Consumer Privacy Act, Illinois’ Biometric Information Privacy Act, and many others, which Plaintiffs’ bar has weaponized in bet-the-business class actions, including against insurance industry clients. With a collaborative team of skilled attorneys and more than 15 years of experience defending clients against privacy class action claims, our privacy litigators’ record of success obtaining favorable results for our clients is exceptional.

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Antitrust/Competition

Winston’s top-tier antitrust attorneys provide robust representation of insurance industry clients in high-stakes litigation, including state enforcement proceedings, class actions, and multidistrict litigations. More broadly, there is simply no firm better at defending companies facing allegations of price-fixing, market allocation, and labor markets issues, and we routinely represent clients in their most critical disputes, often coordinating defenses across jurisdictions with parallel investigations by the Department of Justice, Federal Trade Commission, and state attorneys general. Our team—with antitrust/competition attorneys in the US, EU, UK, and China—is perfectly suited to address the most complex needs of multinational corporations the world over.

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Tax Controversy

Our insurance tax attorneys advise and represent insurance company clients in all aspects of tax matters affecting insurance companies and their products. Our insurance tax group includes a multi-disciplinary team of field-experienced practitioners, including a former government trial counsel and insurance industry technical professionals with Big Four, industry association, and in-house insurance industry experience who have a deep knowledge of the technical tax rules affecting insurance companies and their products. Our clients include major life and property-casualty insurance companies and other entities participating in the insurance industry, including trade associations, private equity companies, and brokers.

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Related Capabilities

Class Actions & Group Litigation

Commercial Litigation & Disputes

Antitrust/Competition

Government Investigations, Enforcement & Compliance

Tax Controversy & Criminal Tax

Privacy & Data Security

Appellate & Critical Motions

eDiscovery & Information Governance

Resources

[Class Action Insider Blog](#)

[Competition Corner Blog](#)