Proskauer



Contact

Nathan R. Lander

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Nathan Lander is a partner in the Insurance Recovery & Counseling Group specializing in assisting clients with the negotiation and structuring of their insurance programs as well as handling claim disputes with insurers. Clients have praised Nate in *Chambers* and *The Legal 500* as "responsive, knowledgeable and creative," a "zealous advocate" and "absolutely amazing to work with."

Throughout his career, Nate has helped clients recover more than $1 billion in insurance disputes through claim negotiations, mediations and, when necessary, in arbitrations and litigations. Nate prides himself in securing favorable resolutions with their insurers whenever possible, but when insurers refuse to pay, Nate aggressively litigates coverage disputes in courts and arbitrations across the country.

While Nate has extensive experience representing a diverse array of policyholder clients, including Fortune 500 companies and professional sports teams, he is particularly recognized for his work with asset management clients in insurance disputes. Nate has represented numerous private equity firms and portfolio companies, hedge funds, registered funds, venture capital firms and other asset managers in claims against insurers, seeking coverage under D&O, E&O, crime, life, property and various other policies.

In addition to his litigation practice, Nate regularly advises clients on risk management, including structuring of insurance programs and negotiating and drafting of policy language to help protect clients against potential claims or losses. Nate has deep expertise in insurance markets and products tailored for asset management clients. He has assisted numerous asset managers of all types and portfolio companies to review and negotiate potential insurance policies or programs, including D&O, E&O, EPL, fiduciary, crime, cyber, reps & warranties and other specialized products.

Matters

Representative matters include:

Private Equity Firms and Portfolio Companies in Insurance Disputes

- Represented Sycamore Partners in litigation involving $100 million of insurance coverage under D&O/E&O policies. Obtained victories on a motion for judgment on the pleadings and a motion for partial summary judgment against various defenses asserted by the insurers before successfully resolving the dispute.
- Represented private equity firm in litigation against life insurance company regarding $7 million policy owned as part of large investment portfolio. Obtained judgment from the Court ordering the insurer to pay the full policy limit plus all attorneys' fees incurred by the client as damages for the insurer's bad faith.
- Represented private equity firm in jury trial against life insurance company regarding $10 million policy owned as part of large investment portfolio. Obtained jury verdict in favor of client on promissory estoppel claim – the first verdict of its type ever obtained in an investor-owned life insurance case.
- Represented multiple private equity firms in successfully resolving disputes with their D&O/E&O insurers that had denied coverage for the costs of defending disputes with fund investors or portfolio company investors.

- Represented multiple private equity firms in successfully resolving disputes with their D&O/E&O insurers that had denied coverage for the costs of defending SEC investigations.
- Represented portfolio company in successfully resolving dispute with insurer that denied coverage for losses from an employee theft under a crime policy.
- Representing portfolio company in claim for coverage for business interruption losses due to COVID-19.

Other Asset Managers in Insurance Disputes

- Represented investment manager in successful arbitration against D&O insurers regarding the costs of defending and settling securities arbitration.
- Represented hedge fund in litigation with life insurer regarding the enforceability of a portfolio of life insurance policies with a total value of $450 million. Defeated insurer's motion to dismiss and ultimately successfully resolved the lawsuit.
- Represented hedge fund in successfully mediating dispute with D&O/E&O insurer that had denied coverage for the costs of defending underlying lawsuit.
- Represented registered fund in successfully resolving dispute with D&O/E&O insurer that had denied coverage for the costs of defending matter against the fund and its directors.
- Represented hedge fund in successfully resolving dispute with D&O/E&O insurers that had denied coverage for the costs of defending against various lawsuits
- Represented venture capital firm in successfully resolving dispute with D&O/E&O insurer regarding the costs of defending and settling lawsuit

Public Companies in Insurance Disputes

- Representing Valeant Pharmaceuticals in litigation involving more than $300 million of insurance coverage under D&O policies.
- Represented investment bank in arbitration victory regarding $10 million life insurance policy owned as part of larger investment portfolio. Arbitration panel

issued judgment in client's favor.

- Represented investment bank in litigation regarding the enforceability of eight life insurance policies with a total value of more than $50 million. Obtained summary judgment in client's favor.
- Represented investment bank in litigation regarding the enforceability of six life insurance policies with a total value of more than $50 million. Obtained summary judgment in client's favor and insurer was ordered to pay all attorneys' fees incurred by client.
- Represented investment bank in several litigations -- each involving more than $100 million of insurance coverage under professional liability policies – that were successfully resolved.
- Represented public company in successfully mediating dispute with D&O insurer regarding costs of defending SEC investigation.
- Represented health care company in successfully mediating dispute with D&O insurers regarding the costs of defending securities class actions and other proceedings.

Other Notable Representations

- Represented professional sports team in business interruption insurance lawsuit resulting from COVID-19 pandemic.
- Represented professional sports team in successfully mediating dispute with D&O insurer regarding the costs of defending and settling dispute with investors.
- Represented the City of New York as trial counsel in several trials against the city for alleged negligence or other wrongful acts.

Practices

Asset Management Litigation, Insurance Recovery & Counseling, Litigation

Industries

Asset Management, Private Capital

Education

Harvard Law School, J.D.

Virginia Polytechnic Institute and State University, B.A.

Phi Beta Kappa

Admissions & Qualifications

New York

Court Admissions

U.S. Court of Appeals, First Circuit

U.S. Court of Appeals, Third Circuit

U.S. Court of Appeals, Seventh Circuit

U.S. Court of Appeals, Ninth Circuit

U.S. Court of Appeals, Eleventh Circuit

U.S. District Court, New York, Eastern District

U.S. District Court, New York, Southern District

Memberships

Fellow, American College of Coverage Counsel (ACCC)

Awards & Recognition

Chambers USA: New York: Insurance: Dispute Resolution: Policyholder 2023-2026

Chambers USA: New York: Insurance: Dispute Resolution: Policyholder: Up & Coming 2021-2022

The Legal 500 United States: Insurance: Advice to Policyholders: Next Generation 2017-2026

New York Super Lawyers "Rising Stars," 2013-2017

New York Legal Aid Society Pro Bono Award 2005, 2007