



Insurance and Reinsurance Overview

Stuarts Humphries (“Stuarts”) Litigation provides independent legal advice and representation across the spectrum of commercial and regulatory disputes in the Cayman Islands. We are proud of our record of delivering customised and cost effective advice in a commercially sensitive and responsive manner.

Experienced, Innovative, Assured

Insurance Overview

Over the last decade Stuarts Litigation has established a reputation in the insurance and reinsurance disciplines for providing experienced, innovative and practical advice.

Our track record in this area marks us out domestically and overseas as the counsel of choice for insurance companies.

We have advised and engaged in disputes in the following areas:-

- Advising leading regulated insurance managers in disputes involving captive insurance and captive reinsurance structures and their members;
- Advising and representing multi-national captive reinsurance companies in the payment of collateral;
- Acting for local insurance companies and property managers on policy related rights and obligations arising out of natural disasters and, in particular, Hurricane Ivan in 2004;
- Acting for insurance companies in avoidance proceedings arising from commercial coverage, medical, motor and residential claims; and
- Advising on Cayman Islands law in relation to professional indemnity insurance claims.

Recent Cases

In the last year we have acted for a US/Bermuda based captive in both arbitration and court proceedings involving the resolution of claims in relation to payment of collateral in excess of US\$24 million; advised in relation to disputes arising from a Cayman Islands captive; advised a US based counter-part which manages a portfolio of captive clients in excess of US\$1 billion premium value; and advised in relation to insurance claims arising from the deficient design and construction of a substantial commercial building in the Cayman Islands involving multi-million dollar claims.

In addition, we have also represented local and international insurance companies for avoidance proceedings, claims arising from commercial property disputes and commercial coverage claims, including confiscation of assets (marine/aircraft) by overseas governments.



Key Contact



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Partner & Head of Litigation

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Cayman Islands Law

The Cayman Islands legal system is based on primary and secondary legislation enacted by the legislature in the Cayman Islands and is supplemented by the common law. Where there is no Cayman Islands authority English Common Law is of persuasive authority.

The Stuarts Litigation team is fully conversant with all aspects of procedural law in relation to the jurisdiction of the Cayman Islands Courts to hear a claim through to enforcement of claims in the Cayman Islands and abroad.

Each member of the Stuarts Litigation team has been trained and has experience in leading English law firms or Barristers' Chambers. As such, our attorneys are fully conversant with both English and Cayman Islands Law. Where advice or assistance is required by law firms outside the jurisdiction Stuarts has developed and nurtured contacts in all major financial centres.

The grounding of our attorneys' training and experience in English law is such that Stuarts Litigation will not seek to instruct outside counsel unless necessary and on the client's firm instructions: A unique value proposition that other Cayman Islands based law firms are unable to emulate.

Client Relationships

Stuarts Litigation is primarily instructed by international or multi-national clients. We are the most responsive, cost effective and efficient firm of attorneys in the Cayman Islands. Unlike many Cayman Islands legal service providers, Stuarts Litigation aims to be conflict free enabling us to act against a large number of multi-national institutions.

We believe that it is important to proactively manage any engagement from the outset, to offer well rounded, direct and open advice that will allow any client to make an informed commercial decision in relation to its case. We are available to a client at all times and we are responsive to any situation that may arise in the course of our engagement.

Our boutique and Cayman Islands focused organisation enables us to consistently achieve our objectives. Our size enables us to compete more effectively on fee structures without sacrificing quality of service and continuity. We offer a suite of alternative fee structures which are intended to be responsive to our clients' demands.

List of Engagements:

1. Allianz Global Corporate & Specialty – Aviation Coverage Claim;
2. Affinity Insurance Ltd. – Captive Shareholder Dispute;
3. Atelier Ten Limited – Professional Indemnity Claim;
4. Appalachian Underwriters Inc. and Insurance Services Group – Insurance Arbitration Dispute;
5. Boulder Insurance Ltd. – Captive Shareholder Dispute;
6. British Caymanian Insurance Company Ltd. – Miscellaneous local Insurance Litigation Advice;
7. Fidelity Insurance (Cayman) Limited – Miscellaneous local Insurance Litigation Advice;
8. Island Heritage Insurance Cayman Ltd. – Miscellaneous local Insurance Litigation Advice;
9. Kensington Management Group Ltd. – Captive Insurance Advice
10. Lloyds Syndicates (Various) – Advice as to a Business Combined Insurance Policy;
11. Saxon Insurance – General Insurance Coverage Advice; and
12. Truck Insurance Ltd. – Multi-Jurisdictional Captive Dispute in respect of competing Court Orders relating to captive shareholder distributions.

This publication is for general guidance and is not intended to be a substitute for specific legal advice. Specialist advice should be sought about specific circumstances. If you would like further information please contact us.



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