

## Telecommunications and Media Companies Coverage Experience



K&L Gates represents a broad range of telecommunications and media companies, including wireless operators and mobile virtual network operators, local telephone companies and broadband providers, Internet backbone providers and Internet service providers, multi-media and multi-platform content and game developers, and cable programming networks. As a general matter, these companies face the risks inherent in any corporate enterprise, while also facing the additional risks connected with rapidly changing technologies and an evolving marketplace. More specifically, telecommunications and media companies face the same risks that often confront traditional manufacturing and commercial enterprises, including damage from natural disasters, suits by employees, claims of trespass or for environmental harm, and threats to cybersecurity and data privacy. Yet, in addition to these traditional risks, each telecommunications or media company faces risks that are unique to that company's particular business strategy, such as claims arising from media content or theft of data.

K&L Gates' insurance coverage practice is well-positioned to assist such companies, with nearly 100 lawyers located across five continents. *Of Counsel Magazine* noted that the firm has been recognized as "perhaps the leader in insurance coverage representation." Moreover, the firm has an interdisciplinary Telecommunications, Media and Technology ("TMT") Practice Group that represents a wide variety of telecommunications and media clients on a broad array of regulatory, corporate, and litigation issues and understands the unique legal and business challenges of those sectors. The coverage and TMT practices are well-suited to work together to ensure that telecommunications and media companies adequately address risk and maximize their insurance coverage.

In particular, the K&L Gates coverage practice can assist telecommunications and media companies at any stage in their development. For example, before a loss arises, K&L Gates can proactively evaluate the risks that are of greatest concern to a particular company, and review the insurance policies that the company has or is considering purchasing. We can identify significant gaps in coverage and how a company might fill those gaps, highlighting favorable policy provisions, as well as those that might severely limit coverage, and assisting in negotiating improvements to policy language. Furthermore, if suits arise, property is damaged, business is interrupted, or data is compromised or lost, K&L Gates can also position the clients' claims against their insurers to obtain the best results, whether those claims are resolved by negotiation, arbitration, or litigation.

Among other coverage services provided to telecommunications and media clients, K&L Gates has evaluated the need for certain coverages, like media liability (for claims such as libel arising out of mobile content) and cyber coverage (for claims such as theft of data, denial of service, or disparagement) and developed claims-handling protocols as part of client risk-management initiatives. Our recent engagements include representation of one of the world's largest global telecommunications companies and representation of one of the world's largest media conglomerates in structuring and negotiating the terms of technology errors and omissions

("E&O"), professional liability, cybersecurity, data privacy and directors and officers ("D&O") insurance programs. In addition, on behalf of telecommunications and media clients, K&L Gates has pursued insurance claims resulting from the devastation of Hurricane Katrina, as well as insurance coverage for employment claims and shareholder suits.

## **REPRESENTATIVE MATTERS**

- Represented a telecommunications company seeking D&O coverage for a securities fraud lawsuit.
- Represented a telecommunications company seeking D&O coverage for a claim alleging breach of fiduciary duty in connection with corporate transaction.
- Represented a telecommunications company seeking EPL coverage for various claims, including a claim for discrimination and a claim for wrongful termination.
- Represented a telecommunications company seeking coverage for business interruption losses due to a hurricane.
- Represented a telecommunications company seeking coverage under CGL policies for property damage allegedly caused by wind storms that allegedly damaged telephone poles, which allegedly resulted in fire damage to homes.