

OVERVIEW

For 20 years, Brandon Kivler has specialized in consulting for corporate clients on a variety of insurance coverage matters for product/environmental liabilities and property damage losses. He has led engagements related to complex database design and analytics, environmental sites, underlying claims management, insurance claim submissions, insurer billing and notice, insurance allocation modeling, settlement valuation, and London Market Schemes of Arrangement. He has supported clients with their first party claim recovery efforts for property damage and business interruption losses, as well as calculated economic damages in other litigation contexts.

EXPERIENCE

- Supported the settlement of hundreds of millions of dollars of corporate insurance portfolios through commutations and coverage-in-place agreements. Evaluated hundreds of alternative settlement scenarios for variables such as allocation methodology, trigger theory, coverage issues, credit risk, and present value implications as well as the related probabilities of outcomes for each. He is also experienced in managing insurer billing procedures under various terms and methodologies of coverage-in-place agreements, as well as undertaking notice projects for single policies and entire insurance portfolios.
- Managed claims administration process and complex insurer billing procedures for clients. Coordinated all related processes, including complaint tracking and valuation, settlement documentation and payment, and local defense counsel invoice processing. Mr. Kivler supports settlement negotiations with underlying claimants through evaluation of historic data compared to claimant specifics, and development of analyses to quantify the economic impact of potential settlement and litigation outcomes.
- Assisted various clients with first-party insurance claims. He has supported and managed the entire insurance claim process for multi-million dollar losses, from initial submission through resolution, for property damage and business interruption claims.

REPRESENTATIVE ENGAGEMENTS

- Managed the recovery of over \$1 billion in insurance proceeds through insurance claims and related coverage litigation for a multi-national pharmaceutical company. Responsibilities included detailed review and understanding of policy coverage, deductibles and exclusions, quantification of claim values, and allocation of liabilities to insurance carriers under various theories and case law. In addition, assisted counsel and client in the evaluation of alternative settlement agreements based on probabilistic outcomes, factoring in insurer insolvency and litigation risk.

Brandon J. Kivler

PRINCIPAL

Continued to provide discovery and other support in the coverage litigation and ultimately led the insurer billing process as additional settlements were reached.

- Assisted a large manufacturer of specialized machinery in a high-profile litigation matter. Maintained primary responsibility for development of a multi-million dollar damages model for use in a negotiated settlement. In addition to the economic damages model, also prepared a related cost/benefit settlement model for use in the settlement negotiations. Model included evaluation of potential litigation costs, probabilistic evaluation of potential verdict values through review of cases/verdicts with similar characteristics, and probabilistic calculation of possible settlement ranges.
- Managed allocation/contribution database for joint defense group at an environmental site with nearly \$800 million in anticipated clean-up costs. Efforts included managing large, complex data-sets from a variety of sources, calculating volumetric and groundwater allocations among group members, and identifying other target PRPs for possibly recovery.
- Submitted a claim for a company that suffered a loss due to flooding in its facility. Calculated business interruption, extra expenses and value of lost contents. Analyzed insurer's calculations and uncovered an analytical flaw that, once corrected, resulted in a recovery of almost four-times the insurer's original offer. In addition, successfully negotiated for loss consultant fees to be entirely covered by the policy.
- Managed claim for a product/service company that suffered multiple losses as the result of power outages and other service interruptions. Responsible for developing and documenting analysis to calculate total damages for loss of computer inventory and business interruption related to cloud computing service, including mid- to long-term contracts cancelled as a result of the outages. Quantified areas of legal and measurement disagreement between the parties in an attempt to reach a negotiated settlement prior to trial.

EDUCATION

The Johns Hopkins University

M.B.A., Carey Business School

University of Richmond

B.S.B.A., Finance and International Business Concentrations, *Summa Cum Laude*

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PREVIOUS EMPLOYMENT

LLM (Litigation and Liability Management), LLC
KCIC (Kenesis Corporate and Information Consulting), LLC

PRESENTATIONS AND PUBLICATIONS

“Business Interruption Claims in the Wake of Sandy”, *Philly I-Day*, April 2013.

“Business Interruption & Operational Risk Management – Measurement and Calculation Methodologies for Companies Facing Losses”, *University of Pennsylvania Wharton School of Business – MBA Risk & Insurance Course*, November 2010.

“Status of SEC Climate Change Disclosure Requirements and Federal Greenhouse Gas Legislation: Implications for Corporations and their Insurance Carriers”, *American Bar Association: Tort Trial and Insurance Practice Section; Insurance Coverage and Litigation Committee Mid-Year Meeting*, February 2011.

“A Policyholder’s Guide to Schemes of Arrangement”, *American Bar Association: Tort Trial and Insurance Practice Section; Insurance Coverage and Litigation Committee*. Spring 2010 Newsletter.