



Lynda A. Bennett

Partner
Chair, Insurance Recovery Group; Member, Executive Board

New York
New Jersey
T: +1 973.597.6338 | F: +1 973.597.6339
lbennett@lowenstein.com

Corporate policyholders rely on Lynda to aggressively litigate, negotiate, and resolve complicated disputes with insurers. To date, she has secured hundreds of millions of dollars in insurance recoveries for her clients.

With more than 25 years of commercial litigation experience, Lynda understands that it is generally not in the best interests of corporate policyholders to engage in protracted and costly litigation, especially when doing so may disrupt business and lead to unwelcome public attention. Her goal is to assess and resolve disputes in a manner that achieves successful outcomes for her clients while minimizing interruptions to business as usual. However, if litigation becomes necessary, she has a keen sense of strategy and will exert maximum leverage to resolve claims as quickly as possible.

Lynda has obtained significant recoveries for clients in environmental, asbestos, construction defect, mass tort, product liability, D&O, and professional liability cases. She also counsels clients with respect to contractual insurance requirements, new insurance products (such as cyber insurance), innovative risk management tools, and insurance program assessment. Working with the firm's transactional lawyers, Lynda regularly advises strategic acquirers and private equity funds regarding insurance coverage issues that arise in acquisition and investment transactions and she has a deep network in the reps and warranties insurance space that is an asset for any deal.

Lynda has chaired the Insurance Recovery group since 2011 and is a member of the firm's Executive Board and Compensation Committee. She previously served on the firm's Operating Committee and Recruiting Committee.

Lynda is strongly committed to advancing the role of women in the legal profession. She is a founder of the firm's Women's Initiative Network, is active in legal industry women's groups, and serves as a board member and past president of the New Jersey Women Lawyers Association. She is also an active participant in a firmwide initiative to help junior attorneys develop their networking, business development, and branding skills.

EXPERIENCE

- > Represent Mist Pharmaceuticals, LLC in an ongoing coverage litigation against Berkley Insurance Company (Berkley). We secured partial summary judgment reestablishing Berkley's duty to defend Mist in an investor lawsuit pending in Delaware. Mist was awarded the full amount of the firm's litigation fees and costs.
- > Achieved trial and appellate court victories in New York state court for Sterling Infosystems, Inc., a provider of background checks and consumer reports. As a result of these victories, Sterling's professional liability insurer has to cover Sterling, up to its full \$5 million policy limit, for several putative class action lawsuits alleging violations of the Fair Credit Reporting Act. In addition, the insurer was ordered to reimburse Sterling for the attorneys' fees and expenses incurred for the coverage litigation.
- > Represented a real estate developer who purchased eight tracts of land from Consolidated Rail Corporation. Shortly after the real estate transaction closed, the developer's title to the properties was challenged by the municipality and several public interest groups. Our Insurance Recovery group secured the insurer's defense obligation. In addition, an appellate court affirmed a \$1.6M fee award for past defense costs, representing more than 95 percent of the requested fees. The appellate court also granted our cross-appeal on the right to recover coverage litigation fees and costs and the right to pursue pre-judgment interest.
- > Acted as coverage counsel in a large construction defect litigation involving a multimillion-dollar waterfront development in New Jersey, securing a combined eight-figure insurance recovery from a variety of insurers.
- > Represented a large manufacturer in connection with two environmental claims under a pollution legal liability insurance policy.
- > Represented a health care company to resolve a dispute with its employment practices insurer and the insurer's "panel" defense counsel. The dispute involved tripartite relationship conflict issues, bad faith, and a "noncooperation" defense asserted by the insurer.
- > Represented a developer in connection with a multimillion-dollar title insurance dispute, securing partial summary judgment on the duty to defend and continuing to pursue indemnity coverage, bad faith, and consumer fraud claims.
- > Acts as coverage counsel for several manufacturing and supply companies, providing litigation and counseling assistance regarding claims disputed by various insurers that sold insurance policies to the companies. Also provides counseling advice with respect to managing insurance and indemnity risks in master services and specific project contracts.
- > Represented a chemical supply company in connection with insurance coverage for nationwide toxic tort litigation. Secured summary judgment and declaratory relief that resulted

in 100 percent defense and indemnity coverage for claims.

HONORS & AWARDS

- > **Chambers USA: America's Leading Lawyers for Business (2013-2020)**
Ranked in Band 1 for Insurance Litigation
- > **Trial Attorneys of New Jersey (2020)**
Recipient of the Trial Bar Award
- > **Crain's: Notable Women in Law - New York (2019)**
Recognizing women lawyers who have impacted New York City through their distinguished careers and exceptional civic and philanthropic activities
- > **Top 100: New Jersey Super Lawyers (2019)**
- > **Top 50 Women: New Jersey Super Lawyers (2019)**
- > **New Jersey Super Lawyers (2007-2019)**
Recognized for work in Insurance Coverage and Class Action/Mass Torts: Defense
- > **American Bar Foundation: Fellow (2018)**
Nominated to a global honorary society of lawyers, judges, law faculty, and legal scholars who have demonstrated outstanding leadership in the profession and service to society. Membership is limited to one percent of the lawyers admitted to practice in the United States and its territories.
- > **The Best Lawyers in America (2006-2021)**
Recognized in the Insurance Law section
- > **NJBIZ: Best 50 Women in Business (2016)**
- > **The New Jersey Institute for Continuing Legal Education: Distinguished Service Award (2014)**
- > **New Jersey Women Lawyers Association Women's Initiative and Leaders in Law (WILL) Platinum Award (2013)**
- > **New Jersey Commission on Professionalism in the Law: Professional Lawyer of the Year Award (2008)**

NEWS & INSIGHTS

Publications

- > November 30, 2020
"Maximizing R&W Insurance Claims," *Bloomberg Law*
Lynda A. Bennett
- > November 19, 2020
"California Court Broadens a D&O Policy's Bump-Up Exclusion to Bump Out Coverage," *Insurance Recovery Client Alert*
Lynda A. Bennett, Eric Jesse
- > November 12, 2020
"Here's how R&W insurance may look after COVID-19," *PropertyCasualty360.com*
Lynda A. Bennett, Eric Jesse
- > October 7, 2020
"Ninth Circuit 'Excess Insurer' Ruling a Positive Step in Insurance Law for Policyholders," *Bloomberg Law*
Lynda A. Bennett, Jacquelyn Lyons
- > September 21, 2020
"An Important Early COVID-19 Business Interruption Coverage Win for Policyholders in New Jersey," *Insurance Recovery Client Alert*
Lynda A. Bennett, Jason D. Meyers
- > August 12, 2020
"Getting Paid: A Look at Representations & Warranties Insurance," *Lowenstein Sandler LLP*
Lynda A. Bennett, Eric Jesse
- > May 1, 2020
"Preparing for COVID-19 Insurance Claims," *Risk Management*
Lynda A. Bennett
- > April 13, 2020
"First Employee Lawsuit Filed Seeking to Avoid the Workers' Compensation Exclusivity Bar for COVID-19-Related Injuries," *Insurance and Employment Client Alert*
Lynda A. Bennett, Julie Levinson Werner, Mark S. Heinzelmann

- > April 7, 2020
"D&O Insurance Renewals: What Corporate Policyholders Need to Know in the "New Normal"," *Insurance Recovery Client Alert*
Lynda A. Bennett, Eric Jesse
- > March 16, 2020
"Beyond Coronavirus: How to Prepare Your Business for the Pandemic Era," *Lowenstein Sandler Client Alert*
Lynda A. Bennett, Doreen M. Edelman, Steven S. Rogers
- > February 28, 2020
"I launched a 'women's initiative' at my law firm to help younger employees gain access to more senior leadership. Here are 5 things we did right.," *Business Insider*
Lynda A. Bennett
- > February 26, 2020
"See Something, Say Something: A Call to End the Bullying of Junior Women Attorneys," *The American Lawyer*
Lynda A. Bennett
- > February 13, 2020
"Fintech Company Secures Indemnity Coverage Under Professional Liability Policy for Fraudulent Funds Transfer Claim," *Insurance Recovery Client Alert*
Lynda A. Bennett, Jason D. Meyers
- > February 11, 2020
"The Secret Sauce of a Successful Women's Initiative," *Lowenstein Sandler LLP*
Lynda A. Bennett
- > January 28, 2020
"Policyholders May Recover Pre-Tender Defense Costs if Insurers Cannot Show Appreciable Prejudice," *Insurance Recovery Client Alert*
Lynda A. Bennett, Jason D. Meyers
- > Fall 2019
"Delaware Trial Court Rules Appraisal Action Is a "Securities Claim" and Leaves Door Open to Order D&O Insurers to Pay Prejudgment Interest and Defense Costs Despite Lack of Insurer Consent," *Insurance Coverage Law Report*
Lynda A. Bennett, Jason D. Meyers
- > August 20, 2019
"Delaware Trial Court Rules Appraisal Action is a "Securities Claim" and Leaves Door Open to Order D&O Insurers to Pay Prejudgment Interest and Defense Costs Despite Lack of Insurer Consent," *Insurance Recovery Client Alert*
Lynda A. Bennett, Jason D. Meyers
- > August 1, 2019
"Breaking through misconceptions on defense rules when litigating claims," *Business Insurance*
Lynda A. Bennett
- > May 23, 2019
"Becoming Unsinkable: 10 Habits That Build Resiliency in Our Personal and Professional Lives," *Corporate Counsel*
Lynda A. Bennett, Megan Monson, Nicole Fulfree, Rachel Moseson
- > February 12, 2019
"Private Equity Firm Secures \$87 Million of Coverage From Its Own Insurers for a Portfolio Company Liability," *Insurance Recovery Client Alert*
Lynda A. Bennett
- > February 2019
"Four Insurance Pitfalls That Every Bankruptcy Lawyer Should Avoid," *New Jersey Lawyer*
Lynda A. Bennett, Eric Jesse
- > January 10, 2019
"Securing Indemnification and Additional Insurance Coverage Requires Careful Drafting," *Insurance Recovery and Real Estate Client Alert*
Lynda A. Bennett, Ted Hunter
- > December 12, 2017
"IoT coverage: A patchwork quilt with potential holes," *Business Insurance*
Lynda A. Bennett
- > September 13, 2017
"Maximizing Insurance Recovery for Hurricane Harvey and Irma Losses," *Insurance Recovery Group Client Alert*
Lynda A. Bennett, Eric Jesse
- > May 9, 2017
"Advice to Cyber Insurance Buyers: You Are Not Alone," *CFO*
Lynda A. Bennett

- > March 1, 2017
"How to Get Noticed as a Junior Associate Within Your Law Firm," *Reuters Westlaw's Legal Executive Institute*
Lynda A. Bennett
- > February 16, 2017
"Three Myths Holding Women Back From Career Advancement," *Reuters Westlaw's Legal Executive Institute*
Lynda A. Bennett
- > January 23, 2017
"Women Helping Women: Paying It Forward Is Priceless," *Reuters Westlaw's Legal Executive Institute*
Lynda A. Bennett
- > January 17, 2017
"Insurance 101 for Tech Companies," *Tech GC Blog*
Lynda A. Bennett, Eric Jesse
- > December 5, 2016
"California Decision Shows That Companies May Obtain Insurance Coverage for Wage and Hour Claims," *Insurance Recovery Group Client Alert*
Lynda A. Bennett, Joseph M. Saka, Courtney E. Alvarez
- > September 28, 2016
"The Evolving Career Path of a Woman Lawyer in Big Law (Perspective)," *Bloomberg Big Law*
Lynda A. Bennett
- > September 14, 2016
"Five Keys to Understanding and Securing Cyber Insurance," *FC&S Legal*
Lynda A. Bennett
- > September 13, 2016
"Overcoming My Own Bias of Women's Groups at Law Firms (Perspective)," *Bloomberg Big Law*
Lynda A. Bennett
- > August 24, 2016
"Three Keys to Establishing and Growing a Successful Mentoring Relationship," *Thomson Reuters Legal Executive Institute*
Lynda A. Bennett
- > August 8, 2016
"National Trend Confirming Insurance Coverage for General Contractors in Construction Defect Lawsuits Continues," *Insurance Recovery Group Client Alert*
Lynda A. Bennett, Eric Jesse
- > August 2, 2016
"4 Ways to Fight Back When the Insurance Company Denies Coverage," *Corporate Counsel*
Lynda A. Bennett
- > May 23, 2016
"Beware of Coverage Gaps for Social Engineering Losses," *Risk Management Magazine*
Lynda A. Bennett
- > Fourth Quarter 2015
"Sidestepping Cyber Liability: Three Best Practices," *Corporate Board Member*
Lynda A. Bennett
- > Second Quarter 2015
"Your D&O Coverage: Do You Have What You Expect ... and Need?," *Directors & Boards Magazine*
Lynda A. Bennett
- > April 13, 2015
"Cybersecurity Risk Management is Complex," *Society for Human Resource Management*
Lynda A. Bennett
- > March 30, 2015
"Cyber Insurance Policies: Are They Worth the Money?," *CFO*
Lynda A. Bennett
- > February 23, 2015
"Cyber Security and Insurance Coverage Protection: The Perfect Time for an Audit," *FC&S Legal: The Insurance Coverage Law Information Center*
Lynda A. Bennett
- > February 6, 2015
"What Every General Counsel and Law Department Needs to Know About Employed Lawyers Coverage," *Inside Counsel*

Lynda A. Bennett

> January 15, 2015

"Critical Insurance Considerations for Financially Distressed Companies," *Bloomberg BNA, Bankruptcy Law Reporter*

Lynda A. Bennett

> November 6, 2014

"Are Your M&A Deals Creating Gaps in Insurance Coverage?," *The Deal Pipeline*

Lynda A. Bennett, Eric Jesse

> March 3, 2014

"Insurance Coverage for Statutory Class Action Claims Involving Privacy," *FC&S Legal: The Insurance Coverage Law Information Center*

Lynda A. Bennett

In the Media

> November 11-12; November 18, 2020

Lowenstein's news announcement, **Anticipated Spike in Deal Activity in 2021 Makes Customized R&W Insurance Critical, Finds Lowenstein Sandler**, is noted in **Business Wire, About You, Asia Insurance Review, Benzinga, Financial Content, Insurance Daily News, Mainframe Consulting, MarketWatch, Morningstar, Seeking Alpha, StreetInsider.com, Yahoo! Finance, Pharma Trend, and Craft.**

> November 2, 2020

In Part 2 of the American Association of Bank Directors' podcast, **Calling All Bank Directors: What You Need to Know Before and After Your Bank Renews Its D&O Insurance**, **Lynda A. Bennett**, Chair of the **Insurance Recovery** group, discusses how banks and their directors can successfully access their coverage; the importance of understanding the scope of the bank's indemnification of directors and officers before the policy terms are finalized; how the definition of "claim" in the policy may affect coverage for regulatory investigations and other matters; how to properly and timely file and manage a claim; and how to negotiate the language in the policy without necessarily increasing the cost of the coverage. She notes that "one of the biggest mistakes we see clients make is not providing immediate notice of claims. ... A claim is defined in all of these policies quite broadly to include **any** written demand for monetary or nonmonetary relief."

> October 30, 2020

Lowenstein's retention as counsel to the Official Committee of Tort Claimant Creditors in the Chapter 11 bankruptcy case of the **Diocese of Camden** (New Jersey) is noted in the **Global Legal Chronicle**. Serving approximately 486,368 Catholics living in Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, the diocese is comprised of 62 parishes. The Lowenstein team is led by **Jeffrey D. Prol, Brent Weisenberg, Lynda A. Bennett, Matthew Boxer, and Kenneth A. Rosen. View Lowenstein's news announcement about this retention.**

> October 27, 2020

Lynda A. Bennett comments in **Law360** on a trend in recent Delaware Supreme Court decisions toward limiting the reach of directors and officers insurance, as demonstrated by the court's recent holding that denied Solera Holdings Inc.'s claim for \$39 million in coverage for costs incurred during its buyout by Vista Equity Partners. The court held that an appraisal action is a "neutral proceeding" and thus did not trigger coverage for securities-related claims in Solera's excess D&O policies. This is the second time in a year that the Delaware court has narrowly interpreted the scope of a securities claim under a D&O policy.

Bennett says the decision goes against "numerous fundamental principles of insurance law. ... Usually in the context of policy language interpretation, when there are two reasonable definitions offered for a term, that should lead to a finding of ambiguity and a ruling in favor of coverage." She adds, "This decision is disappointing to policyholders because they buy D&O coverage to protect them when a claim is brought against them seeking relief for something connected to the purchase or sale of securities. ... This is what this was. From a reasonable expectations perspective, it is surprising that a company being sued by its shareholders would find itself without coverage."

> October 26, 2020

Lynda A. Bennett, Chair of the **Insurance Recovery** group, addresses the current D&O insurance market, the most important provisions in a D&O policy, the most common mistakes that banks make regarding D&O insurance, and how banks may achieve the best possible insurance coverage on **Calling All Bank Directors: What You Need to Know Before Your Bank Renews Its D&O Insurance, Part 1**, the podcast of the American Association of Bank Directors. Bennett calls the discussion especially timely as, in her 26 years of practice, she has never seen such a volatile D&O market for bankers and bank directors, as well as for other companies in other industries.

"The market is incredibly in flux, premiums are skyrocketing, self-insured retentions are going up, capacity in the market is shrinking and particularly drying up in certain industries where it is difficult to keep the full tower of coverage that you have and in some instances to stay with the same carriers that have historically been part of your insurance program; and last, we have also seen a restriction in terms, and that is very specific to the banking industry, as insurance companies are taking a very careful and hard look at the scope of coverage that they're going to provide for regulatory investigations and other informal inquiries conducted by governmental officials." She adds that COVID-19 has made all these issues even more acute, so it is critically important that companies with coverage coming up for renewal reach out to insurance professionals in order to be prepared for a detailed underwriting process that could be "potentially painful."

> September 22, 2020

Lowenstein's retention as counsel to the Official Committee of Unsecured Creditors in the Chapter 11 Bankruptcy of **Century 21 Department Stores** is noted in the **Global Legal Chronicle**. Century 21 operates 13 retail stores across New York, New Jersey, Pennsylvania, and Florida, along with an e-commerce platform. The Lowenstein team is led by **Jeffrey Cohen, Kenneth A. Rosen, Lynda A. Bennett, Eric Chafetz, Brent Weisenberg, and Lindsay H. Sklar. View Lowenstein's news announcement about this retention.**

> August 12; August 17; August 20, 2020

The release of Lowenstein's research report, **Getting Paid: A Look at Representations & Warranties Insurance**, by **Lynda A. Bennett**, partner and Chair of Lowenstein's **Insurance Recovery Group**, and **Eric Jesse**, counsel in the group, is noted in **Private Equity Wire, DealLawyers, Yahoo! News, Private Equity Professional**, and the American Bar Association's Business Law Section **Business Law Today** newsletter. The report found while R&W policies have proliferated, a key question remains unanswered: Do insurers

actually pay the claims? The answer is "yes"—with some caveats. **View Lowenstein's news announcement about the report.**

> May 22, 2020

Boardroom Insider features comments by **Lynda A. Bennett** on D&O liability risks in the wake of COVID-19. She notes that insurance companies will "take a careful look at your public disclosures on preparations and risk factors" and that a legitimate "notice of circumstances" now can lock in coverage under current terms for possible future claims. Bennett also observes: "There's going to be a scramble to keep Side A coverage in place," with the price for this kind of personal protection likely to go up. Finally, she cautions that "[t]here will be no more rote renewals." Bennett expects tighter terms, broader exclusions for risks associated with pandemics, more questions about preparedness, and increased premiums from fewer providers. (*subscription required to access article*)

> April 14, 2020

Lynda A. Bennett, Chair of the firm's **Insurance Recovery** group, spoke to **Business Insurance** on potential legal battles over coverage of business interruptions in the wake of COVID-19. She says, "There's no doubt that some policyholders have a very clear and likely enforceable virus exclusion." Other exclusions, however, may not be strictly applicable. "Jurisdiction is going to matter," she continues. "There are some jurisdictions that are known to be very insurer-friendly and just as many jurisdictions that are known to be more inclined to see the policyholders' view toward things." Bennett adds that where some jurisdictions apply pollution exclusions broadly, "there are just as many other jurisdictions that say otherwise."

> October 21, 2019

Lynda A. Bennett comments in **Legaltech News** on why some law firms choose cybersecurity vendors pre-vetted by their insurance company, some opt for their own selection, and others seek precertification of their own vendors. "I think that the insurance company, in general, is investing a lot of time and money to vet if those cybersecurity companies are qualified and capable," she says. "I think the insurers, when you ask them to add your own vendor, they may be willing to do that but there might be a higher deductible or self-insured retention up front." Bennett further observes that "some law firms are inquiring whether they can get vendors [who] right now manage their data to be preauthorized in the event of a breach, and that's really driven by how law firms are very concerned about keeping their confidential data confidential. ... Rather than having a discussion and debate when a data breach is ongoing, they are asking their cyber insurers to already authorize [their vendor]."

> August 30, 2019

Lynda A. Bennett, chair of the firm's **Insurance Recovery** group, comments for **Law360** on one of "4 Key Insurance Rulings You May Have Missed This Summer." In **Nationwide Mutual Insurance Co. v. Arnold**, the Pennsylvania Superior Court ruled that Nationwide Mutual Insurance had to defend a whistleblower in a suit alleging that he falsely accused a contractor of overcharging the Pennsylvania Department of Transportation; the appellate court panel refused to interpret a 'business pursuits' exclusion so broadly that any coverage at all would be denied if there was any connection whatsoever to the work of the insured.

Bennett remarks that the noteworthy decision not only provided rare guidance on the business pursuits exclusion but could also be applied to disputes over a number of other policy exclusions. "A lot of the court's decision centers around this 'arising out of' language, which you see in a lot of exclusions," she says. "There is a potential for this case to have broader reach because the court narrowly interpreted what this language means."

> July 12-19, 2019

Longtime firm client Tower International's (NYSE: TOWR) acquisition by private equity-owned Autokiniton Global Group, in a \$900 million deal expected to close in September or October, is reported in **Crain's Detroit Business**, **The PE Hub Network**, **Automotive News**, **InvestorsHub**, **Law360**, **Smart Business Dealmakers**, **Mergers & Acquisitions**, and the **Global Legal Chronicle**. (Lowenstein deal team: **Peter H. Ehrenberg**, **Andrew E. Graw**, **Lowell A. Citron**, **Marita A. Makinen**, **Jeffrey Blumenfeld**, **Jack Sidorov**, **Jeffrey M. Shapiro**, **Elisia M. Klinka**, **Justin Gindi**, **Kate Basmagian**, **Daniel C. Porco**, Matthew A. Weston, **Eric Perlmutter**, **Robert Bee**, **Sabrina Cua**, **Brian A. Silikovitz**, **Kristin V. Taylor**, Katie R. Glynn, **Nicholas G. Mehler**, **Doreen M. Edelman**, **Lynda A. Bennett**, **Megan Monson**, **Michael B. Himmel**, and **Norman W. Spindel**) **View Lowenstein's news announcement about this transaction.**

> June 19, 2019

Lynda A. Bennett provides commentary for **Law360's** roundup of "Insurance Cases To Watch In The Second Half Of 2019." Remarking on the upcoming decision in **Daniel Berg v. Nationwide Mutual Insurance Co.**, where the Pennsylvania Supreme Court will determine whether a state appeals court overstepped its bounds in a bad faith case by vacating a \$21 million judgment, Bennett says that upholding the ruling will impact policyholders' trust in the appellate review process: "Bad faith issues are highly fact-intensive and often hinge on witness credibility. It was troubling to me that an appellate court would usurp the judgment of the trial court on a 'cold record' in a fact-heavy case like this." She also observes that the high dollar amount of the reward serves as a deterrent to insurers from engaging in unreasonable conduct: "The trial judge saw smoke and found fire, and with this damages award, he was clearly trying to send a message to the insurance industry: 'if you behave like this, you will be punished.'"

> April 25; May 23, 2019

Lowenstein Sandler is highlighted in **Bloomberg Law – Big Law Business** and the **Global Legal Chronicle** for its role in recovering full coverage litigation fees in an ongoing suit against its client's insurer. The Lowenstein team included **Lynda A. Bennett** and **Eric Jesse**.

> January 1, 2019

Lynda A. Bennett comments on the **Vanderbilt Co v. Hartford** insurance case regarding coverage for asbestos injury claims, noting her optimism that the Connecticut Supreme Court justices will affirm the appellate panel's recognition of the unavailability rule, which maximizes coverage available to policyholders facing asbestos claims, as published in **Law360**. Bennett states, "What carriers are trying to do is expand the allocation period to spread it into more policy years, in order to artificially block full recovery under the policies that were purchased." She further states, "If the allocation period includes years in which the policyholders could not purchase insurance, the practical implication is that the insurers that did take on that risk will take on a smaller share."

> November 5-12; December 13-19, 2018

MarketWatch, **GlobeNewswire**, **TenLinks**, **StreetInsider.com**, **Yahoo! Finance**, **Digital Engineering**, **Global Legal Chronicle**, and **Crain's Detroit Business** note Lowenstein Sandler as counsel to Altair Engineering Inc. (Nasdaq: ALTR) in its \$176 million acquisition of Datawatch Corporation (Nasdaq: DWCH). (Lowenstein deal team: **Peter H. Ehrenberg**, **Michael J. Mueller**, **Elizabeth A. Mandle**, **Justin Gindi**, **Colin J. Kirby**, **Valeska Pederson Hintz**, **Kate Basmagian**, **Lauren E. Killeen**, **Darren Goodman**, **Megan Monson**, **Brian A. Silikovitz**, **Sophia Mokotoff**, **Mark P. Kesslen**, **Manali Joglekar**, **Leah Satlin**, **Jeffrey Blumenfeld**, **Jack Sidorov**, **Jeffrey M. Shapiro**, **Lynda A. Bennett**, **Eric Jesse**, **Lowell A.**

Citron, Lauren M. Troeller, and Erica Perlmutter.) View Lowenstein's news announcement about this transaction.

- > July 30, 2018
The PE Hub Network and **Mergers & Acquisitions** note Lowenstein Sandler as counsel to **NexPhase Capital, LP** in its equity stake investment in **Brandt Information Services, LLC**.
- > June 29, 2018
Law360 quotes **Lynda A. Bennett**, who critiques a strongly worded dissenting opinion in a recent appellate court ruling upholding the "unavailability rule" which protects policyholders from having to pay for costs attributed to claims arising during a time period when insurance coverage was not available for a particular risk. (*subscription required to access article*)
- > June 28, 2018
Law360 quotes **Lynda A. Bennett** regarding the potential approval of the New Jersey Insurance Fair Conduct Act, who stresses how the bill which would "put bad-faith claims back on the table in cases where insurers' claims-handling conduct really needs to be examined" would benefit policyholders. (*subscription required to access article*)
- > October 17, 2017
Lynda A. Bennett comments in **Law360** on how a recent New Jersey appeals court decision affects the "continuous trigger" theory for insurance in construction defect liability claims.
- > August 25, 2017
Lynda A. Bennett comments in **Law360** on how a recent Third Circuit decision limiting the ability of policyholders to keep coverage disputes out of federal court may lead to inconsistent rulings by federal and state courts on insurance coverage issues.
- > May 2017
In **Metropolitan Corporate Counsel**, **Lynda A. Bennett** shares her advice for women overcoming challenges to lead in the law.
- > March 16, 2017
In **CSO Online**, **Lynda Bennett** comments on the importance of policyholders of carefully reviewing their cyber insurance policies.
- > March 7, 2017
Lynda Bennett comments in **Law360** on how to allocate responsibility for a loss when coverage is no longer available to insure a risk.
- > February 17, 2017
In **Law360**, **Lynda Bennett** and **Eric Jesse** are mentioned for their representation of a food equipment manufacturer in its insurance broker malpractice lawsuit.
- > December 14, 2016
Lynda Bennett comments in **Law360** on a New Jersey Supreme Court decision that will address insurance allocation issues associated with long-tail asbestos liabilities.
- > September 9, 2016
In **Law360**, **Lynda Bennett** comments on the implications of a New York court's ruling on allocation for long-tail liabilities.
- > August 4, 2016
Lynda Bennett comments in **Law 360** on a recent Supreme Court of New Jersey decision in favor of the insureds based on the viability of the subcontractor exception.
- > July 19, 2016
Lynda Bennett is quoted in **Hotel Management Magazine** on the importance of negotiating terms and conditions for cyber insurance policies.
- > July 15, 2016
Lynda Bennett comments in **Law360** regarding the Appellate Division's recent decision addressing insurance coverage for product liability claims and the applicable standard for the impaired property exclusion.
- > March 21, 2016
Lynda Bennett comments in **Insurance Journal** on the risk of cyber insurance policies.
- > March 14, 2016
Lynda Bennett, one of **NJBIZ**'s 2016 Best 50 Women in Business honorees, shares her advice for success in the workplace.
- > March 4, 2016
Lynda Bennett comments in **Insurance Journal** on the "volatile" nature of cyber insurance policies and how the market will change as cyber coverage evolves.
- > March 1, 2016
Lynda Bennett comments in **Risk & Insurance Magazine** about the complexities of today's cyber policies and the challenge of selecting the "right" one.
- > February 11, 2016
Lynda Bennett comments in **Law360** on the impact of a New Jersey Supreme Court decision assessing an insurer's late notice defense.
- > January 28, 2016
Lynda Bennett is quoted in **Reuters** regarding the current state of the cyber insurance market and the impact of recent breaches.
- > January 26, 2016
Lynda Bennett comments in **Law360** regarding the risk of cyber liability for product manufacturers requiring consumers to submit sensitive information.

- > November 5, 2015
Lynda Bennett comments in **Law360** regarding the New Jersey Supreme Court's grant of certification to decide issues impacting the scope of insurance coverage available for construction defect claims.
- > October 27, 2015
Lynda Bennett is quoted in **Law360** regarding the Third Circuit's ruling that impacts a policyholder's right to defense when vague allegations are made in complaints.
- > July 29, 2015
Law360 highlights the New York Supreme Court's decision in favor of our client in two federal lawsuits seeking damages under the Fair Credit Reporting Act (FCRA). Led by **Lynda Bennett** and **Eric Jesse**, Lowenstein Sandler represented our client in a dispute involving insurance coverage for statutory damages available under the FCRA. The Insurance Recovery group secured a summary judgment victory for the client, who is now entitled to recovery of the costs that were incurred in the coverage litigation.
- > July 9, 2015
Lynda Bennett comments in **CSO Online** on the importance of reading the fine print in cyber insurance policies.
- > June 15, 2015
Lynda Bennett is featured in **Law360**, discussing four battleground issues that insurance lawyers are tracking in the Garden State.
- > May 7, 2015
Lynda Bennett comments in **Law360** regarding the New Jersey Supreme Court's decision to award attorneys' fees to a plaintiff who went after a defendant's insurer after the defendant was cleared. According to Lynda, the opinion provides a clear warning for insurers to think twice before avoiding a defense obligation due to coverage litigation fees.
- > May 6, 2015
Lynda Bennett is featured in **The Wall Street Journal**, discussing how increased attention from regulators is changing the cyber insurance market for insurers and their customers.
- > May 1, 2015
Lynda A. Bennett is featured in **Security Magazine** regarding cyber insurance and addresses important questions surrounding the industry.
- > April 1, 2015
Lynda Bennett is quoted in *Millionaire Corner* regarding the early stages of evaluating the claims history associated with cyber insurance policies.
- > February 27, 2015
In **Law360**, **Lynda Bennett** comments on the Supreme Court of New Jersey's refusal to alter the judicial standard around bad faith claims in insurance coverage disputes and how the decision prevents policyholders from acquiring important information that reflects the insurers' decision-making processes.
- > September 5, 2014
In **Law360**, **Lynda Bennett** comments on the New Jersey Supreme Court's review of the bad faith liability standard imposed against insurers, noting that early discovery provides policyholders with the best leverage to pursue insurer bad faith.
- > August 5, 2014
In **Law360**, **Lynda Bennett** is highlighted as a member of Lowenstein Sandler's Executive Board and the chair of the firm's insurance practice. Having women represent the firm in a number of notable positions led to the firm being listed among the 50 Best Law Firms for Women.

SPEAKING ENGAGEMENTS

- > Speaker, **What You Need to Know Before Your Bank Renews Its D&O Insurance, Part 2**, The American Association of Bank Directors, Podcast, November 2, 2020
- > Speaker, **What You Need to Know Before Your Bank Renews Its D&O Insurance, Part 1**, The American Association of Bank Directors, Podcast, October 26, 2020
- > Speaker, **All You Need to Know About the "New Normal" of R&W Insurance Placement and Claim Payment in the Wake of COVID-19**, Lowenstein Sandler LLP, Webinar, September 29, 2020
- > Speaker, **Insurance Recovery: 60 Days Later: Insurance May Be Your Shelter in Place**, Lowenstein Sandler LLP, Webinar, May 27, 2020
- > Speaker, **No Longer Business as Usual? What Boards of Directors and General Counsel Need to Know About Running a Business During a Pandemic**, Lowenstein Sandler LLP, Webinar, March 20, 2020
- > Speaker, **No Longer Business As Usual? Key Legal Advisors Discuss And Answer Questions On How To Respond to COVID-19 Related Issues**, Lowenstein Sandler, Webinar, March 20, 2020
- > Speaker, **Disaster Preparedness for Lawyers – Be Prepared, Minimize Your Risk, and Recover Quickly**, NJICLE, January 22, 2020
- > Moderator, **Women, Influence & Power in Law Conference**, Women, Influence & Power in Law, Washington, D.C., October 16-18, 2019
- > Speaker, **Lowenstein Sandler and ACC New Jersey's 5th Annual Cyber Day**, Lowenstein Sandler; ACC New Jersey, Roseland, NJ, October 3, 2019
- > Panelist, **A Roundtable Discussion of Executive Protection Through Risk Management and Insurance Coverage**, Iron Cove and Lowenstein Sandler, New York, NY, April 16, 2019
- > Panelist, **Cyber Insurance Webinar on 2019 Audits and Initiatives**, Greater New York Hospital Association (GNYHA), March 5, 2019

- > Panelist, **Natural Resource Damage Claims: A Renewed and Significant Risk for New Jersey Corporations**, Lowenstein Sandler, Roseland, NJ, November 28, 2018
- > Moderator and Panelist, **Cyber-Insurance in 2019 and Beyond: Five Major Misconceptions About Where To Find Insurance Coverage for Cyber Risks, and Where Key Coverage Gaps May Exist**, NJICLE, November 1, 2018
- > Speaker, **Lowenstein Sandler and ACC New Jersey's 4th Annual Cyber Day**, Lowenstein Sandler; ACC New Jersey, Roseland, New Jersey, October 10, 2018
- > Moderator, **Women, Influence & Power in Law: The Original Global Forum Facilitating Women-to-Women Exchange on Leadership and Legal Issues**, Corporate Counsel, Washington, DC, October 4-5, 2018
- > Speaker, **Five Misconceptions About Where To Find Insurance Coverage for Cyber Risks and Where Coverage Gaps May Exist**, Lowenstein Sandler's New York Office, April 26, 2018
- > Moderator, **Women, Influence & Power in Law Conference**, Washington, D.C., October 10-12, 2017
- > Speaker, **A Really Interesting & Practical Discussion About Cyberinsurance ... No, Seriously**, TechGC Cyberinsurance Webinar, October 4, 2017
- > Speaker, **Emerging Trends in Cyber Insurance Under Traditional and Standalone Policies**, ACC - New Jersey and Lowenstein Sandler's Cyber Day, September 27, 2017
- > Speaker, **Jamison Risk Services Cyber Security Panel**, Jamison Risk Services, May 11, 2017
- > Speaker, **Cyber Insurance for Real Estate: Are You Covered for Cyber Security Risks?**, ACREL Insurance Committee Webinar, February 14, 2017
- > Speaker, **A Really Interesting and Practical Discussion About Insurance ... No, Seriously**, TechGC's Winter Meeting, December 6, 2016

EDUCATION

- > Valparaiso University School of Law (J.D. 1994), magna cum laude; Executive Editor, *Valparaiso Law Review*
- > Susquehanna University (B.A. 1991), cum laude

ADMISSIONS

- > New York
- > New Jersey