



## Barthélemy Cousin

### Partner

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### OVERVIEW

Commercial Litigation practitioner Barthélemy Cousin has been assisting and advising numerous French and foreign companies in the insurance and reinsurance coverage litigation sector for over 25 years. He has always worked in the largest international firms.

For fifteen years now, he has resolutely chosen to position himself in the defense of the interests of policyholders against insurers or in the defense of the interests of reinsurers against insurers.

After having successfully completed numerous cases in terms of financial lines, construction and civil liability, he is now in charge of around ten cases involving the mobilization of business interruption coverage and their extensions. (constraints, epidemics, lack of customers or suppliers).

Barthélemy is also a member of AMRAE and AIDA. Barthélemy has also been a member of the Paris Bar since 1992.

Barthélemy has always paid particular attention to teamwork, particularly in the context of joint mandates with other law firms, or joint strategies coordinated with the advice of other parties. The international dimension of his practice has also frequently led Barthélemy to work with local correspondents, both in the United States and in French-speaking Africa.

### PROFESSIONAL BACKGROUND

Prior to joining the firm, Barthélemy served as a partner at a global law firm where he created and led its renowned insurance coverage and reinsurance litigation practice.

Previously, Barthélemy was a partner at an international law firm where he developed a recognized practice in insurance law litigation. There, he advised on international commercial disputes, particularly on insurance, energy, and transportation matters.

He has years of litigation experience in Africa, and has been involved in several major disputes before commercial, employment, and civil courts in Africa.

## ACHIEVEMENTS

- Recognized by *The Legal 500 EMEA* as a Recommended Lawyer in France, 2024
  - Insurance
  - Dispute resolution: Commercial litigation
- Recognized by *Chambers Europe* for Insurance in France, 2021-2024
- Recognized in *Best Lawyers in France*™ for Insurance Law, since 2018
- Recognized by *The Legal 500 EMEA* as a Recommended Lawyer in France, 2022
  - Dispute Resolution: Commercial Litigation
  - Dispute Resolution : International Arbitration
- Ranked in the magazine *Décideurs* - Leaders League
  - Industrial risks & liability litigation - Regulatory assurance / reinsurance
  - Industrial risks & liability litigation - Claims and insurance litigation
  - Restructuring & Insolvency - Occasional and regular stakeholders
  - Africa Desk - International arbitration and litigation
  - Africa Desk - Natural resources and renewable energies
  - Promotion & Construction - Construction litigation (including insurance)

## EDUCATION

- A.B., University of Paris X - Nanterre, 1990
- Diploma in Law, University of Kent, 1987

## ADMISSIONS

- Bar of Paris

## LANGUAGES

- English
- French

## OTHER PUBLICATIONS

- “Covid-19 ordinances and international contracts: “supplementary police laws”?” La Semaine Juridique, July 2020;
- “Covid-19: CFOs, beware of the coverage of 'inexcusable fault' in your insurance policies”, DAF Magazine, April 2020;

## NEWS & EVENTS

- 14 March 2024, K&L Gates Ranked in 2024 *Chambers Europe* Guide
- 22 June 2023, Nearly 50 K&L Gates Lawyers Throughout Europe Recognized in 2024 Best Lawyers, Ones to Watch Editions
- 16 March 2023, K&L Gates Recognized in 2023 *Chambers Europe* Guide
- 17 March 2022, K&L Gates Recognized in 2022 Chambers Europe Guide
- 25 March 2021, K&L Gates Recognized in 2021 Chambers Europe Guide
- 6 January 2021, K&L Gates Furthers Growth of Litigation Practice with Paris Partner Addition

## AREAS OF FOCUS

- Insurance Recovery and Counseling
- Commercial Disputes

## REPRESENTATIVE EXPERIENCE

- Insurance claims on behalf of hotels, high fashion industries, design and construction businesses, tour operators, casinos, car parts retailers and event planners against the underwriters covering business interruptions caused by the covid-19 pandemic.
- Multijurisdictional disputes and criminal proceedings to defend claims brought by a PSP industry leader against suspects of fraudulent transfers of funds within and outside Europe.
- Assistance of a bank incorporated in Asia with the restructuring of its debt against the Bourbon group, which the total liabilities amounted to 1.5 billion euros, by the French courts after the taking over of the Bourbon group by a consortium of French financial institutions.
- Assistance of a bank after the discovery of the misappropriation of grains imported in Egypt, at the port of Alexandria, valued a dozen of million euros.

- Co-counsel for a commodities trading company against the marine risk insurers of copper and aluminum shipments in China valued 300 million USD, which were misappropriated or seized while in port warehouse. The majority of the claims arising from the misappropriated metals was successfully settled.
- Advising and assisting a reinsurance company with regard to the reinsurance of losses suffered by the towers of the World Trade Center on September 11, 2001. The subject of the dispute concerned the number of events that occurred that day and, correlatively, the guarantee ceiling applicable to the claim. The negotiations led to convince the reinsurers that it was necessary to retain an event by plane and that the cover limit had to be doubled.
- Adviser to the captive insurance company which covers the professional civil liability of a French multinational information technology service and consulting company in a contentious case against a German reinsurance company and a Swiss reinsurance company, which were contractually bound to cover claims after exhaustion of a threshold of € 12M and up to a ceiling of € 20M for the 2013 and 2014 insurance years.
- Insurance claim on behalf of the Singapore branch of a bank after the discovery of a major fraud committed by a local commodities trader to be illegitimately lent monies, amounting to 90 million US dollars, which were then diverted to third party businesses acting in collusion.
- Counsel for the commodities department of a leading bank after the misappropriation of gold bullion valued 455 million USD, which had to be held on consignment by a Middle East jewelry company group.
- Assistance of two furniture manufacturing companies in their claims against a French insurer following operating losses suffered during the first lockdown.
- Advising and assisting a group of retirement homes and rehabilitation clinics and with respect to the operating losses suffered as a result of the Covid pandemic.
- Advising and assisting a group managing retirement homes and senior residences in France, Germany and Spain with respect to the operating losses suffered as a result of the Covid pandemic.
- Civil proceedings commenced against a company to recover the amount of a \$123m loan and foreclosure of one of the most valuable real estate properties located in Antibes, in southern France. The team is in charge of conducting the lawsuit against the company to recover the amount owed to a Latvian Bank.
- Discovery of all documents relating to the coverage of the claims brought by victims of an anti-epileptic medication's side effects in order to assess whether these claims are properly covered by the pharmaceutical company's international insurance program and if not, potential professional liability. The claims brought by the victims in the US and European jurisdictions are in excess for billions of dollars.