



## BROOKE YATES

**PARTNER**

Boston

☎ 720.782.5085

✉ [byates@foleyhoag.com](mailto:byates@foleyhoag.com)

I work with corporate policyholders to simplify complex insurance issues.

Working from Denver, Colorado, Brooke Yates is a partner in Foley Hoag's Litigation and Insurance Recovery practices. Corporate policyholders come to Brooke for comprehensive and practical guidance on a variety of insurance coverage issues and litigation. She represents policyholders from all industries, with an emphasis in the construction and development space.

In the insurance recovery space, Brooke represents policyholders nationally and internationally in nearly all aspects of insurance coverage, including counseling insureds on insurance issues and in disputes with their insurers.

Specifically, she has advised clients in issues relating to:

- general liability
- builders' risk
- wrap-up insurance programs (OCIPs and CCIPs)
- subguard
- directors and officers liability
- employer's liability
- crime
- professional liability
- errors and omissions
- cyber risk insurance programs

In addition to serving as coverage counsel and suing insurance companies for bad faith, Brooke provides a strategic approach to help companies protect their assets through insurance and comprehensive risk management practices.

She regularly writes and speaks on insurance coverage, construction, and risk management issues impacting businesses and individuals.

## RELATED INDUSTRIES

[Healthcare >](#)

[Life Sciences >](#)

[Professional Services >](#)

[Education >](#)

[Energy & Climate >](#)

[Technology >](#)

## RELATED PRACTICES

[Insurance Recovery >](#)

[Business & Commercial Disputes >](#)

[Transportation, Infrastructure & Construction >](#)

[Real Estate & Development >](#)

[Privacy & Data Security >](#)

## EDUCATION

- University of Denver Sturm College of Law, J.D., 2006
- University of Denver, B.S., 2003

## BAR AND COURT ADMISSIONS

### **BAR ADMISSIONS**

- Colorado

### **COURT ADMISSIONS**

- U.S. District Court for the District of Colorado

## EXPERIENCE

### **WRAP-UP AND PROJECT-SPECIFIC INSURANCE**

- Regularly advises owners and contractor clients on utilizing and obtaining wrap-up programs (OCIPs and CCIPs) and other project-specific insurance programs for multi-million dollar construction and development projects.
- Litigates insurance coverage claims on behalf of insureds involving wrap-up insurance programs.

### **CGL INSURANCE**

- On behalf of numerous contractor clients, successfully negotiated millions of dollars in insurance recovery in connection with construction defect claims.
- Routinely advises clients on insurance coverage issues and disputes under primary and excess commercial general liability insurance policies.
- Achieved successful resolution of construction defect claim involving public buildings and recovered \$14.8 million insurance recovery for a general contractor in connection with dispute.
- Successfully negotiated \$3 million insurance coverage recovery on behalf of insured in coverage case under a CGL Policy.
- Obtained substantial defense and indemnity benefits from insurance company on behalf of international consulting service firm under CGL Policy arising from international litigation.
- Obtained bad-faith jury verdict, entailing double damages and attorneys' fees, against general liability carrier for its unreasonable delay and denial of coverage for damages arising out of a construction accident, resulting in recovery of over \$2.5 million insurance recovery.
- Prevailed at the Court of Appeals concerning recovery damages under the insurance bad-faith statute.

#### **D&O INSURANCE**

- On behalf of a bank, recovered \$1 million in insurance coverage in connection with Ponzi scheme litigations.
- Recovered insurance benefits under D&O policy on behalf of University for insurer's wrongful denial of payment of defense costs.

#### **FIRST PARTY PROPERTY INSURANCE**

- On behalf of property owners, recovered millions of dollars in insurance proceeds following catastrophic property losses from natural disasters (fire, flood, hail), and other covered losses.
- Advises clients on builders' risk and property insurance issues and litigates property insurance claims for large construction projects.
- On behalf of higher education institution, successfully mediated claim to recover full coverage for defense expenses wrongfully denied, including 100% of attorneys' fees incurred in pursuing bad faith claim against insurer.

#### **EPL INSURANCE**

- Successfully resolved EPL coverage claim on behalf of insured hotel to obtain indemnity benefits to resolve underlying lawsuit.
- Serves as coverage counsel for corporate insureds to obtain coverage under EPL policies for employment-related claims.

#### **CYBER INSURANCE**

- Advised clients on data security and privacy breaches arising from employee theft.
- Represented telecom company in relation to cyber insurance policy review and contract requirements.
- Represented multiple large retail companies in connection with insurance issues relating to data breaches.

#### **COMMERCIAL LITIGATION**

- On behalf of general contractor clients, successfully resolved construction defect claims.
- On behalf of subcontractor, obtained jury verdict against lower-tier subcontractor in payment dispute.
- In commercial tort matter, successfully dissolved temporary restraining order and defeated preliminary injunction motion.
- Obtained full arbitration award on behalf of national trust company in contract dispute.
- On behalf of contractor, successfully negotiated settlements with multiple parties in multimillion-dollar payment dispute involving high-end condominium project.
- Successfully obtained prejudgment writ of attachment and negotiated successful resolution of employee embezzlement claim.
- Successfully obtained temporary restraining order and stipulated preliminary injunction in complex, multimillion-dollar, multiparty business dispute.
- Prevailed in seven-day bench trial concerning payment dispute between contractor and owner.
- Represented clients in connection with complex, multiparty commercial litigation, which regularly involved breach of contract, breach of fiduciary duty, and fraud claims.

\* - Ms. Yates handled some of the above representations prior to joining Foley Hoag

## HONORS & INVOLVEMENT

### HONORS

- The Best Lawyers in America, Commercial Litigation (2023); Insurance Law (2018-2023); Litigation - Construction (2023); Litigation - Insurance (2022-2023)

### INVOLVEMENT

- Denver Bar Association
- Colorado Bar Association
- American Bar Association

## SPEAKING ENGAGEMENTS

- "COVID-19 and Construction Insurance," Webinar, WPL Publishing and Construction Claims Advisory (May 2020)
- "Statutes Defining Faulty Workmanship As An "Occurrence" - Out of the Frying Pan And Into The Fire?," ABA 21st Annual Insurance Coverage Committee Mid-year Program (2013)
- "Top 10 Ways to Manage Cyber Risk, The Rise of the Internet Has Its Downside," Colorado Biz Magazine (March 2013)
- "Top 10 Ways To Manage Cyber Risk," JDSupra Business Advisor (January 2013)