

PRIVATE EQUITY | **HOSPITALITY PRACTICE GROUP** MERGER & ACQUISITION PRODUCTS | PORTFOLIO COMPANY

To more efficiently manage the risks associated with mergers and acquisition, our Hospitality Practice Group offers insurance products geared towards buyers and sellers. The following Transactional Risk Insurance Products protect participants from exposures that emerge from the underlying deal:

1. Representations and Warranties Insurance

- a. Offers additional protection to the buyer beyond the negotiated indemnity cap and survival limitations in a purchase agreement
- b. Backstops negotiated indemnity obligations – a key benefit for private equity or venture capital funds at the end of their life cycle.

2. Tax Indemnity Insurance

- a. Enables taxpayers to reduce or eliminate a contingent tax exposure arising from the tax treatment of a past transaction, investment or other legitimate business activity

3. Contingent Liability Insurance

- a. Provides coverage within the context of a merger and acquisition or other transaction
 - i. Litigation Exposures, Environmental exposures, Intellectual Property Infringement Claim, Employment matters & disputes, and Exposures relating to account methods adopted in the past

A merger or acquisition can be full of risks for a company if extensive preparations are not made and due diligence is not performed. It is imperative that both buyers and sellers review and update their insurance coverages to ensure all risks are accounted for and that all costs, hidden and disclosed, are controlled.

E.B. Cohen Insurance & Risk Management can offer further insight into your potential risks and the measures that would best protect your company.

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