

QUESTIONS FOR RESPONDENTS

1. Does your firm include a separate division, department, or team devoted to environmental law? If so, please name its members and provide a general description of its experience in this area of practice. If not, please provide a general description of your firm's practice and experience in the area of environmental law.
2. Does your firm include a separate division, department, or team devoted to insurance law? If so, please name its members and provide a general description of its experience in this area of practice. If not, please provide a general description of your firm's practice and experience in the area of insurance law.
3. If you are selected to represent the City and its affiliated agencies (collectively, the "City") in conjunction with the activities described on the Request for Proposals, please name those individuals within your firm (including attorneys and non-attorneys) who will be assigned to represent the City in these matters.
4. Does your firm have experience in "insurance archeology"? ("Insurance archeology" refers to the investigation and location of old insurance policies that may provide coverage for claims occurring subsequent to their expiration dates). If so, please describe the nature, extent, and scope of your experience in this area, including whether any of that experience specifically pertained to investigation and location of insurance coverage for environmental losses and damages, including recovery for costs incurred for environmental testing, investigation, and remediation.
5. Please describe your firm's experience in initiating and pursuing: (a) insurance claims, generally; and (b) environmental insurance claims for environmental losses and damages (*i.e.*, claims for coverage of costs expended in environmental testing, investigation, and remediation activities).
6. Please describe your firm's experience with environmental litigation. In conjunction with your response to this request, has your firm ever successfully pursued litigation in the following areas:
 - (a) cost recovery against potentially responsible parties under federal environmental laws (*e.g.*, the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), the Resource Conservation and Recovery Act ("RCRA"), and other statutes of similar effect;
 - (b) cost recovery against potentially responsible parties under state environmental laws, including (but not limited to) the Wisconsin Spill Statute (§ 292.11, *Wis. Stats.*) and the Municipal Cost Recovery Statute (§ 292.33, *Wis. Stats.*);
 - (c) litigation against insurance carriers for coverage of costs expended by clients in environmental testing, investigation, and remediation activities, whether directly or by way of subrogation?
7. Please describe your understanding of how insurance carriers who have issued comprehensive general liability policies and other forms of general business or individual

coverage may be held liable for the City's costs of environmental testing, investigation, and remediation of contaminated or potentially contaminated real estate, and the methods by which your firm will attempt to locate the existence of such coverage and to pursue recovery from insurance carriers once such coverage is located.

8. Please identify any sources of cost recovery that may be available to the City, in addition to liability insurance carriers, for recovery of its costs expended in environmental testing, investigation, and remediation of contaminated or potentially contaminated real estate, and the nature and extent of any experience that your firm may have in pursuing such additional sources of cost recovery.
9. Please describe the applicable statute of limitations and your understanding of which claims for insurance coverage under "old" (pre-1986 comprehensive general liability or other insurance policies) may now be time barred.
10. Please describe your understanding of the existence and basis of current liability for the City's costs incurred in conjunction with the environmental testing, investigation, or remediation of contaminated or potentially contaminated real estate in the event that an insurance carrier who issued a pre-1986 comprehensive general liability policy or other policy of insurance providing the basis of cost recovery has been sold or merged or has gone bankrupt. In such event, please describe how your firm would pursue potential sources of current coverage in favor of the City or other financial liability to the City and the resources that you firm will devote to this task.
11. If your firm is selected to represent the City in accordance with the Request for Proposals, will the City be responsible for any expenses incurred in the initiation and pursuit of insurance claims or any litigation expenses should those claims result in litigation? If so, please describe with specificity the nature and extent of any such expenses.
12. Does your firm have any potential conflicts of interest that may affect or impede your ability or willingness to fully and zealously represent the City's interest in conjunction with those matters set forth on the Request for Proposals? If so, please describe with specificity, the nature and extent of any such conflict of interest. In conjunction with your response, please describe in detail the nature and extent of any representation by your firm of any insurance carriers or other entities that might be pursued as sources of actual or potential recovery of the City's costs of environmental testing, investigation, and remediation.

1049-2003-2604:72029