



Nathaniel D. McKitterick

Partner

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For over 25 years, Nate McKitterick has been an effective advocate and trusted advisor, assisting corporations, private equity and venture entities, and individual executives with insurance and indemnification matters. His extensive experience spans a number of areas, particularly directors and officers liability insurance, representations and warranties insurance and other transactional products, and cyberinsurance matters. He is considered a leading authority regarding the use of transactional insurance products.

Nate also has deep knowledge of indemnification issues, including patent indemnity, management indemnification and standard commercial indemnities.

EXPERIENCE

MERGERS AND ACQUISITIONS

- Assisting on placement and negotiation of multiple transactional insurance products since 2000, including:
 - Buy-side and sell-side representations and warranties insurance
 - U.S., Canadian, and European deals
 - Tax opinion insurance
 - Tax indemnity insurance
 - Litigation management/specific liability products
 - Environmental insurance
 - Traditional insurance products relevant to the transaction
- Negotiating indemnity and insurance terms, including in the M&A context
- Advising regarding post-transaction disputes
- Insurance-related diligence, including known target risks

RELATED SERVICES

- Litigation, Arbitration and Investigations
- Corporate
- Infrastructure Finance
- Corporate and Securities Litigation
- Mergers and Acquisitions
- Insurance and Reinsurance Disputes

RELATED SECTORS

- Insurance

INSURANCE AND INDEMNIFICATION GENERALLY

- Assisting corporations and management in assessing risks and negotiating the terms of directors and officers, cyberinsurance, employment practices, commercial general liability, errors and omissions, and other insurance policies (environmental liability, environmental cost cap, fiduciary liability, errors and omissions, homeowners, business interruption, property, cargo, etc.)
- Advising corporations and management regarding management indemnification rights and exposures, including in securities litigation, government investigations, and government civil and criminal actions both in the United States and abroad
- Advising corporations and individual directors and officers regarding rights under insurance policies with regard to actual or potential claims, including in bankruptcy situations
- Advising and litigating patent-related indemnification disputes

PUBLISHED DECISIONS

- Allstate Insurance Company v. Mel Rapton, Inc. (2000) 77 Cal. App. 4th 901, 92 Cal. Rptr. 2d 151
- Gonzales v. Ameriquest Mortgage Co. et al., 2004 WL 2472249 (N.D. Cal.)

CREDENTIALS

Admissions

- California

Recognitions

- 2004 Wiley W. Manuel Award for Pro Bono Legal Services, California State Bar Association

Education

- B.A., University of Wisconsin 1989
cum laude
- J.D., University of California, Hastings College of the Law 1994

INSIGHTS

Publications

Private equity buyer due diligence and representations and warranties insurance considerations

9 April 2020

Considerations about expansions to standard due diligence and the evolving impact on R&W insurance.

- Contributor, "Cyber Risk Handbook," 2014 (joint NACD, AIG publication), endorsed by both the Department of Homeland Security and the Information Systems Audit and Control Association
- Contributor, "The Tech Contracts Handbook," David E. Tollen (2010)

Events

- Panelist, Professional Liability Underwriting Society's 2014 D&O Symposium

NEWS

DLA Piper advises MEDNAX in its US\$885 million sale of MEDNAX Radiology Solutions to Radiology Partners

15 September 2020

DLA Piper represented MEDNAX, Inc. in the sale of MEDNAX Radiology Solutions to Radiology Partners for US\$885 million.

DLA Piper advises CIRCOR in US\$172 million sale of Instrumentation and Sampling business to Crane Co.

6 January 2020

DLA Piper represented CIRCOR International, Inc. in the US\$172 million sale of its Instrumentation and Sampling business to Crane Co.

DLA Piper advises LLR Partners in its acquisition of a majority stake in Geoforce

19 December 2019

DLA Piper is pleased to announce that the firm represented LLR Partners in its acquisition of a majority stake in Geoforce.

DLA Piper advises Seaspan Corporation in its US\$750 million acquisition of APR Energy Limited

2 December 2019

DLA Piper represented Seaspan Corporation in its acquisition of APR Energy Limited.

DLA Piper advises Contino in its sale to Cognizant

5 November 2019

DLA Piper represented Contino, a privately-held technology consulting firm, in its sale to Cognizant.

DLA Piper advises Morgan Stanley Capital Partners in its investment in Ovation Fertility

10 September 2019

DLA Piper represented Morgan Stanley Capital Partners (MSCP), the middle market-focused private equity team within Morgan Stanley Investment Management, in its recent investment in Ovation Fertility.

DLA Piper advises CIRCOR in US\$84.5 million sale of Spence and Nicholson product lines

3 September 2019

DLA Piper represented CIRCOR International, Inc., a provider of flow control solutions and other highly engineered products for the industrial, energy, aerospace and defense markets, in the sale of certain assets and liabilities relating to its Spence and Nicholson product lines to Emerson for approximately US\$84.5 million.

DLA Piper advises Remote Operations Center in its sale to LineStar Integrity Services

30 July 2019

DLA Piper represented Remote Operations Center in its sale to LineStar Integrity Services.

DLA Piper advises The Compliance Group in its sale to LineStar Integrity Services

30 July 2019

DLA Piper represented The Compliance Group in its sale to LineStar Integrity Services.

DLA Piper represents Bridge Investments in sale of QDiscovery

24 July 2019

DLA Piper represented Bridge Investments in the sale of e-discovery provider QDiscovery LLC to Xact Data Discovery.

DLA Piper represents Advizr in its acquisition by Orion Advisor Services

23 July 2019

DLA Piper represented Advizr, Inc. in its acquisition by Orion Advisor Services.

DLA Piper advises Summit Infrastructure Group in majority investment by SDC Capital Partners

18 APR 2019

DLA Piper represented Summit Infrastructure Group, Inc. (SummitIG), a network solutions and bandwidth infrastructure provider, in the sale of a majority stake in the company to SDC Capital Partners.

DLA Piper represents Tally Energy Services in their acquisition of Epic Lift Systems

4 MAR 2019

DLA Piper represented Tally Energy Services in the acquisition of Epic Lift Systems, a portfolio company of Intervale Capital. Tally is a private equity sponsored oilfield services company focused on North America shale that seeks to partner with innovative companies in technical oilfield products and services with opportunities for growth, consolidation, and differentiation.

DLA Piper advises Neopost on both the acquisition of Parcel Pending and the sale of Satori Inc.

30 JAN 2019

DLA Piper represented Paris-based Neopost, a global leader in digital communications, logistics and mail solutions, in two recent merger and acquisition matters.

DLA Piper advises Amynta in acquisition of ClearView Risk Holdings

28 JAN 2019

DLA Piper represented the Amynta Group, a group of warranty, managing general agent and specialty risk companies and portfolio company of Madison Dearborn Partners, in its acquisition of ClearView Risk Holdings, LLC.

DLA Piper advises CIRCOR in US\$85 million sale of Reliability Services business to RelaDyne

28 JAN 2019

DLA Piper represented CIRCOR International, Inc., a provider of flow control solutions and other highly engineered products for the industrial, energy, aerospace and defense markets, in the sale of its Reliability Services business to an affiliate of RelaDyne LLC for approximately US\$85 million.

DLA Piper advises Summit Infrastructure Group in its majority recapitalization by SDC Capital Partners

11 JAN 2019

DLA Piper represented Summit Infrastructure Group, Inc., a network solutions and bandwidth infrastructure provider, in its majority recapitalization by SDC Capital Partners.
