

Jennifer H. Thiem

Partner

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OVERVIEW

Jennifer Thiem focuses her practice on insurance recovery and counseling and complex civil and commercial litigation. Jennifer's insurance coverage practice focuses on transactional insurance products from placement of transactional insurance policies, such as representations and warranties insurance policies, through claims counseling and recovery. Jennifer works collaboratively with deal counsel starting at the pre-bid stage to represent publicly and privately held companies in the placement and negotiation of transactional insurance policies. After closing, Jennifer assists clients with claims under their representations and warranties insurance policies.

Jennifer also provides insurance and risk management counseling to clients outside of transactional risk products. Jennifer has counseled clients with respect to coverage or potential claims under a variety of insurance policies, including general liability, directors and officers liability, professional liability, and commercial property.

In her commercial litigation practice, Jennifer has represented a diverse group of clients as plaintiffs and defendants in both state and federal courts. Jennifer has represented clients with a variety of cases, including claims for fraud, negligent misrepresentation, trademark infringement, breach of contract, breach of fiduciary duty, tortious interference with contract, deceptive trade practices, and trade secret misappropriation. She also has experience in real estate litigation, including lease disputes, foreclosures, and other real estate disputes relating to financial services. Jennifer also defends clients in novel and emerging matters, including ESG-related suits.

Jennifer's insurance and commercial litigation practice spans a variety of industries, including manufacturing and distribution, healthcare, life sciences, energy, financial services, technology, and consumer goods and services.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Jennifer practiced business litigation as an associate at a regional law firm in Charleston.

ACHIEVEMENTS

- Recognized in *The Best Lawyers in America*® in Charleston, SC
  - Insurance Law, 2018-2026

  - Commercial Litigation, 2021-2026
- Named to the South Carolina Rising Stars list, 2013-2015

PROFESSIONAL / CIVIC ACTIVITIES

- K&L Gates Firm Committees: Women in the Profession Committee; Pro Bono Coordinator, Charleston Office; Recruitment
- Porter-Gaud School, Board of Trustees, 2016-2022
- Leadership Charleston, Class of 2012
- Junior League of Charleston, 2006-2009
- Board of Visitors, Charleston Southern University, 2009-2012
- Charleston Symphony Orchestra, Business Development 2007-2008
- Representation of indigent clients in various pro bono matters, including participation in the Crisis Ministries Legal Clinic (2006-2008), assistance with domestic adoptions, serving as guardian ad litem in conservatorship and guardianship proceedings, and prosecution of § 1983 cases
- South Carolina Bar
- Charleston County Bar Association
- Federal Bar Association

SPEAKING ENGAGEMENTS

- Speaker, *The Basics of Representations and Warranties Insurance*, January 2025
- Speaker, *Mastering Rep and Warranty Insurance – Beyond the Basics*, LinkedIn Live, December 2024
- Speaker, "*Transaction Liability Insurance: Insurance to Help Close the Deal*," South Carolina Chapter of the Association of Corporate Counsel Annual Meeting, 13 September 2024
- Speaker, "*Smooth Sailing Eclipses Choppy Waters: Navigating Insurance Law Ethical Issues Successfully*," myLawCLE, 17 January 2024
- Speaker, Exploring the ESG + RWI Connection, LinkedIn Live, June 2023
- Speaker, *Transactional Risk Insurance: Market Overview & Trending Topics*, November 2022
- Speaker, Materiality Matters in M&A, Videocast/Podcast, October 2022
- Panelist, *Outside the Lines: Practical and Strategic Considerations in Avoiding, Prosecuting and Defending Against the Bad Faith Claim*, American Bar Association Tort Trial & Insurance Practice 27th Annual Insurance Coverage Litigation Midyear Conference

- Speaker, Cybersecurity: How to Prepare and Protect Your Company, January 2019
- Speaker, Starwood, Voya Financial Advisors and GDPR: What Corporate Practitioners Need to Know about Using Insurance for Cyber Liabilities, January 2019
- Moderator, iTs|SC Executive Speaker Series, Cybersecurity & Insurance, 7 December 2018
- Panelist, *Crisis Management,* K&L Gates Conversation Series, Charleston, SC, 8 November 2018
- Speaker, Preparedness for Natural Disasters, NSSGA Legal Symposium, March 2018
- Speaker, Top Five Issues Busy Practitioners Should Know About Insurance, K&L Gates Breakfast Conversation, March 2018
- Speaker, *Transaction Liability Insurance: A Strategic Approach to Deal Risk Management*, October 2017
- Speaker, *Insurance Coverage: The Basics of What You Need to Know*, K&L Gates Boardroom Conversation Series, September 2016
- Speaker, *Additional Insured Coverage: Achieving Your Intended Risk Allocation*, South Carolina Association of Corporate Counsel Midyear Meeting, June 2016
- Panelist, *Cybersecurity: Managing the Risks,* November 2014

EDUCATION

- J.D., University of South Carolina School of Law, 2005 *(cum laude, Order of the Wig and Robe, Order of the Coif, CALI Award for Income Tax, Student Words Editor of the South Carolina Law Review, John Belton O'Neall Inn of Court)*
- B.B.A., University of Georgia, 2002 *(risk management and insurance, magna cum laude)*

ADMISSIONS

- Bar of South Carolina
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the District of South Carolina

THOUGHT LEADERSHIP *POWERED BY HUB*

- January 2026, 14th Annual "Under the Wire" CLE Webinar
- 4 October 2022, Litigation Minute: Representations and Warranties in Mergers & Acquisitions: Safety Net or Snare?
- 24 August 2021, Disaster Preparedness Toolkit

- 6 May 2020, COVID-19: Congress, Pennsylvania, Michigan, and South Carolina Join Other Jurisdictions Proposing Legislation Addressing Insurers' Obligations to Pay for Pandemic-Related Losses
- 29 October 2018, OnRisk: Insurance for Cyber Risk in M&A Transactions
- 8 February 2018, OnRisk: Representations and Warranties Insurance
- 15 November 2017, Planning for Cybersecurity Risks in M&A Transactions
- 19 September 2017, Losses Caused by Hurricanes: Are You Covered?
- 12 October 2016, Important Insurance Coverage Considerations for Losses Caused by Hurricane Matthew

OTHER PUBLICATIONS

- "Closing the Deal: How R&W Insurance is Transforming M&A Transactions," *South Carolina Chapter of the Association of Corporate Counsel Quarterly Newsletter*, 17 September 2024
- "Insurance for Cyber Risks in M&A Transactions," *Lexis Practical Guidance*, April 2023
- "Insurance Coverage Basics for Cyber Risks," *South Carolina Chapter of the Association of Corporate Counsel Quarterly Newsletter*, 23 August 2019
- "Insurance for Cyber Risks in M&A Transactions," *Lexis Practice Advisor*, June 2018
- "Moving for a Judgment on the Merits During a Bench Trial, Fed. R. Civ. P. 52(c) and SCRCP 41(b)," *SC Lawyer Magazine*, March 2018
- "Planning for M&A Cybersecurity Risks," *Deal Lawyers, Volume 12, No.1*, January-February 2018
- "Facing the Fear of Fraud: The Rise of Senate Bill 555 After the Fall of Carolina Investors," *55 S.C. L. Rev. 653*, 2004

NEWS & EVENTS

- 12 October 2026, K&L Gates Advises Milliman, Inc. on US$340 Million Sale of Retirement Administration Business to Empower
- 7 November 2025, K&L Gates Advises Carousel Capital on Recapitalization of CraneWorks
- 26 September 2025, K&L Gates Advises CDSG HoldCo on Sale of CRU Data Security Group
- 23 September 2025, K&L Gates Counsels Copeley Capital on Sale of OnSight Industries
- 26 June 2025, K&L Gates Advises Crane Company in US$1.06 Billion Acquisition of Precision Sensors & Instrumentation
- 17 March 2025, K&L Gates Receives Excellence Award for Representation of Wabtec in Acquisition of Bloom Engineering

- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 6 October 2021, K&L Gates Advises Sinch AB on $1.9 Billion Acquisition of Pathwire
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch
- 25 February 2021, Representations and Warranties Insurance - How to Navigate the Potential Gaps and Traps in Buy-Side Policies
- 23 February 2021, K&L Gates Advises Sinch AB on $1.14 Billion Acquisition of U.S. Telecom Provider Inteliquent
- 27 November 2019, K&L Gates Advises on Cross-Border $1.3 Billion Pending Tender Offer for Veloxis Pharmaceuticals
- 29 April 2019, K&L Gates Cross-Platform Team Advises LG Household & Healthcare Company in Acquisition Agreement with New Avon LLC
- 17 February 2016, K&L Gates Names 50 New Partners

OTHER MEDIA MENTIONS

- Cyber Caveat Emptor, LeadersEdge.com, 3 May 2021

AREAS OF FOCUS

- Commercial Disputes
- Financial Institutions and Services Litigation
- Healthcare Payor-Provider Disputes (US)
- Insurance Recovery and Counseling
- Mass Tort
- Product Liability
- Real Estate Litigation
- Transactional Disputes

INDUSTRIES

- Consumer Beauty and Aesthetics
- Consumer Goods and Services

- Energy
- Financial Services
- Food, Beverage, and Agribusiness
- Healthcare
- Life Sciences
- Manufacturing
- Technology

REPRESENTATIVE EXPERIENCE

COMMERCIAL LITIGATION AND DISPUTES

- Representation of energy companies in defense of claims brought the by the City of Charleston alleging the oil industry misled consumers by failing to disclose its role in the generation of greenhouse gas emissions that contribute to climate change
- Representation of client in post-closing dispute alleging stockholders breached their representations and warranties in the acquisition agreement
- Represented debtor in possession in adversary proceeding involving an anchor tenant's breach of commercial lease. The adversary was settled resulting in the resolution of all claims in bankruptcy and the attendant adversary proceedings, actually yielding a return to equity holders following satisfaction of all creditors
- Defended hospital system in putative class action alleging that hospital failed to submit medical bills to private insurance and instead billed directly to patient when patient identified as likely to receive a recovery from a third party for injuries
- Representation of healthcare REIT in connection with various disputes in connection with its real estate portfolio
- Represented commercial tenant in connection with a dispute involving the exercise of its lease renewal
- Represented client in connection with trade secret dispute against former employees
- Represented client in connection with LLC membership dispute and ensuing settlement that involved sale and assignment of membership shares
- Represented client in connection with trade secret dispute against potential investor in client's business
- Represented client in litigation against former employee and vendors regarding unlawful kickbacks

- Defended manufacturer in trade secret matter/preliminary injunction matter in which client hired competitor's employee who was alleged to have misappropriated confidential documents from competitor after resigning from employment
- Defense of client in connection with employment dispute alleging that employer failed to compensate former employee per agreement
- Obtained dismissal on behalf of a foreign corporation in lawsuit alleging corporation and its directors failed to compensate a consultant for its role in procuring investments in corporation's business
- Successfully defended financial services company after writ of certiorari was granted in a contested foreclosure to review the trial court's dismissal of borrower's foreclosure defenses and counterclaim
- Defended financial services company in case alleging trespass, sham legal process, violation of South Carolina Unfair Trade Practices Act, negligence
- Defense of agent in dispute alleging misappropriation of business opportunity, breach of contract, breach of covenant of good faith and fair dealing, breach of contract accompanied by fraudulent act, breach of fiduciary duty, negligent misrepresentation, civil conspiracy and violation of South Carolina Unfair Trade Practices Act
- Obtained summary judgment for financial services company in breach of contract action involving allegations of improper refusal to allow a short sale
- Defended financial services companies in cases involving allegations regarding premature repossession of foreclosed property

REPRESENTATIONS AND WARRANTIES INSURANCE CLAIMS

- Represented healthcare client in securing payment for loss under representations and warranties insurance policy
- Represented renewable energy company on representations and warranties insurance claim for breaches of undisclosed liabilities, environmental, and sufficiency of assets representations
- Represented policyholder in the manufacturing industry on representations and warranties insurance claim for breach of intellectual property and financial statements representations
- Represented policyholder in the technology industry on a representations and warranties insurance claim involving a third-party demand alleging non-compliance with law
- Representation of a food and beverage company on a representations and warranties insurance claim involving a third-party demand alleging non-compliance with law
- Representation of company in the technology industry on a representations and warranties insurance claim for breach of financial statements representations

OTHER INSURANCE COVERAGE

- Represented publicly and privately held entities in connection with the underwriting and placement of representations and warranties insurance in mergers and acquisitions, including negotiation of policy language and coverage
- Insurance counsel to tax equity investor in connection with its investment in solar and battery storage projects throughout the United States
- Assisted clients with insurance due diligence in connection with mergers and acquisitions, including advice regarding continuity of insurance coverage post-acquisition
- Review proposed insurance program to confirm compliance with the insurance requirements of a commercial loan agreement
- Assisted client in obtaining a defense under an employment practices liability policy
- Advised policyholder regarding commercial property insurance company's classification of Unmapped/Zone D situated property as Zone A property and coverage implications relating to same
- Counseled client regarding potential insurance claims for violations of the Advisor's Act and investment agreement and costs of recovery under various investment advisor insurance policies
- Advised client regarding potential insurance coverage for cyber breach under commercial general liability policy and commercial property policy
- Advised policyholder regarding coverage for potential employment liabilities under directors and officers liability and commercial liability policies
- Counseled financial services client regarding coverage under title insurance policy and assisted with insurance claim
- Advised hospital in negotiating insurance and indemnity provisions in construction contract
- Advised policyholder regarding implications of potential settlement of a worker's compensation matter