

MISSOURI

SUMMARY JUDGMENT WIN FOR CARRIER IN \$54,000,000 COVERAGE DISPUTE



**WATTERS WOLF
BUB HANSMANN**

In August of 2023, WWBH attorneys Russ Watters, Lucas Ude, John Cooney and Mike Maguire obtained summary judgment in favor of their insurer client in coverage litigation involving a class action arbitration award and judgment in excess of \$54,000,000.00. Within the Order, the United States District Court for the Western District of Missouri enforced the language of the policy and concluded that the willful and intentional conduct described in the arbitration award fell outside of the

coverage afforded by the insurer's policies, including the errors and omissions coverage part included therein. The Court additionally rejected arguments raised by the insured and the claimant that the insurer should be stopped from denying coverage for any reason not expressly listed in a prior reservation of rights letter issued by the insurer. This opinion is a significant victory for WWBH's insurer client that was simultaneously being pursued in a separate garnishment case.



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