

ALM Delaware Law Weekly: In Rare Decision Setting Aside Jury Verdict, Delaware Judge Faults Lawyer's Reference to Inadmissible Docs

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In a rare setting aside a unanimous jury verdict in an insurance liability case, a Delaware Superior Court judge found defense counsel's reference to documents the court had ruled inadmissible misled the jury.

According to the opinion it's the only jury verdict Judge Mary M. Johnston has overturned in two decades on the bench, and it's one of 11 times in the past 10 years a Delaware Superior Court judge has granted a new trial in any type of case.

The decision is a victory for Conduent State Healthcare, represented by Cohen Ziffer Frenchman & McKenna and Potter Anderson & Corroon, seeking coverage for its \$236 million settlement with the Texas Attorney General's Office in 2019, which resolved claims of Medicaid fraud.

Following a six-day trial in February 2022, a jury found within two hours that Conduent had engaged in fraud in its settlement, ruling in favor of Conduent insurer AIG Specialty Insurance Co., represented by

Quinn Emanuel Urquhart & Sullivan, London Fischer, Smith Katzenstein & Jenkins and DLA Piper.

Johnston has now determined that decision was made in part with evidence that should not have been presented.

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