

# Law360: Del. Judge Grants Ex-Xerox Unit New Trial, Scolds AIG Attys

Law360 (February 28, 2023, 9:57 PM EST) — A Delaware judge set aside a verdict finding an ex-Xerox unit that paid Texas a \$236 million Medicaid fraud-related settlement tried to defraud its insurers into providing coverage, citing multiple instances of misconduct by carrier counsel in an opinion unsealed Tuesday.

Counsel for AIG, one of the insurers in the case, inaccurately argued that it never had coverage obligations to Conduent State Healthcare in direct contradiction of a pretrial holding, Delaware Superior Court Judge Mary Johnston said in her opinion, originally decided Feb 14. The carrier's counsel also repeatedly referred to a document "unequivocally deemed inadmissible" and tried to get the jury to draw improper inferences from attorney-client privileged information, the judge said, reversing a jury verdict from February 2022.

"In almost 20 years on this bench, I have never set aside a jury verdict," Judge Johnston said. However, "in order to prevent manifest injustice, exceptional circumstances exist demonstrating that justice would miscarry if the jury's verdicts were allowed to stand," she added.

Click [here](#) to read the full article.

## Related People

Robin Cohen

Adam Ziffer

COHEN  
ZIFFER  
FRENCHMAN  
 MCKENNA

Keith McKenna

Orrie A. Levy

Cynthia "Cindy" M. Jordano