

# Mealey's Emerging Insurance Disputes: Delaware Judge Grants Unprecedented Retrial In Professional Liability Coverage Suit

WILMINGTON, Del. — A Delaware judge granted an insured's motion for a new trial in a professional liability coverage dispute, noting that she has never before set aside a jury verdict in her nearly 20 years as a judge but that a retrial is required for "four principal reasons" (Conduent State Healthcare, LLC, et al. v. AIG Specialty Insurance Company, No. N18C-12-074, Del. Super.).

Delaware Superior Court Judge Mary M. Johnston issued the ruling on Feb. 14.

Conduent State Healthcare LLC, formerly known as Xerox State Healthcare LLC, formerly known as ACS State Healthcare LLC, sued its professional liability insurer AIG Specialty Insurance Co., formerly known as Chartis Specialty Insurance Co., and its excess insurer Lexington Insurance Co. for breach of contract in the Superior Court, seeking coverage for three "Medicaid-Related Claims."

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