

Lincoln Rose and Scarlett Rajbanshi Preserve Insurer's Coverage Win in First Circuit Appeal Proceeding

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Insurance Coverage and Bad Faith Litigation

By Chandra Larson on August 24, 2023

Peabody & Arnold Associate Lincoln Rose successfully argued before the United States Court of Appeals for the First Circuit to preserve the dismissal of a declaratory judgment action brought against the firm's client insurer. Peabody & Arnold Partner Scarlett Rajbanshi co-wrote the successful brief. The appeal arose from a successful motion to dismiss an insured's declaratory judgment action challenging a denial of coverage based on late notice. See Nahant Pres. Tr., Inc. v. Mount Vernon Fire Ins. Co., 2022 WL 17818589 (D. Mass. Nov. 7, 2022). In ruling, the First Circuit affirmed the District Court's interpretation of the policy exclusion at issue concluding "we accept USLI's plausible reading of the Exclusion Amendment, reject Nahant's implausible reading, and affirm the judgment below." Nahant Pres. Tr., Inc. v. Mount Vernon Fire Ins. Co., 2023 WL 5266290, at *4 (1st Cir. August 16, 2023)