

Scarlett Rajbanshi and Kevin Bergin Obtain Dismissal of Chapter 93A and Chapter 176D Claims Against Insurer

Partners

Scarlett M. Rajbanshi

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Peabody & Arnold Attorneys Scarlett Rajbanshi and Kevin Bergin recently secured the dismissal of unfair settlement practice claims against the firm's insurer client. The dispute, which was pending in the United States District Court in Massachusetts, related to the negotiated settlement of claims arising from a workplace death. Plaintiff's claim was premised on the assertion that "certificates of insurance" issued by the defendant insurers afforded additional coverage beyond the express terms of the underlying policies. The court rejected plaintiff's reliance on the certificates finding that they had no legal effect and did not alter the terms of the underlying policies, even by their express terms. The court also rejected plaintiff's argument that the applicable subcontracts required the contracting parties to provide insurance coverage to each other, as well as additional breach of contract claims that lacked legal merit.