

Gregory Gidus Authors Article in Medical Liability Monitor on Medical Malpractice Settlement

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Carlton Fields insurance attorney Gregory Gidus authored an article in the *Medical Liability Monitor* titled, “Court Declines to Dismiss Excess Carrier’s Suit Seeking Reimbursement of Amounts Paid in Underlying Medical Malpractice Settlement,” about the case of *Ironshore Specialty Insurance Co. v. Conemaugh Health Systems, Inc.* In this case, the court refused to dismiss an excess carrier’s suite seeking reimbursement from its insured for settlement amounts the excess carrier paid in an underlying medical malpractice suit.

According to the court, Ironshore plausibly alleged that Conemaugh Health Systems Inc. breached its obligation to cooperate with Ironshore, and didn’t disclose circumstances that gave rise to the underlying claim on its application for the Ironshore excess policy.

Gidus advises that the case is a reminder to policyholders that their duty to cooperate does not end with their primary insurers, and that they should keep all carriers, including excess carriers, aware of significant developments in litigation.

Gidus also notes that the decision demonstrates the importance of reserving the right to recoup indemnity paid under Pennsylvania law.

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