

Second Circuit Court of Appeals Affirms Summary Judgment in Favor of Arch Insurance Company

5.12.21

A White and Williams construction and surety practices team secured a win for its client as the Second Circuit Court of Appeals affirmed the \$39 million judgment they had previously obtained on behalf of Arch Insurance Company (Arch). The defendant/appellants had appealed the District Court's grant of summary judgment in favor of Arch and the dismissal of their counterclaims against Arch, arguing that the District Court had wrongfully interpreted the indemnity agreements which the defendants had signed and incorrectly held that the bonds that Arch had issued had not been incorporated by reference into their indemnity agreements. The defendants also argued that the District Court wrongfully held that Arch could have no liability to the defendants under its own performance bond.

White and Williams drafted the appellee brief and argued the case in a Zoom proceeding before a three judge panel. In an unanimous summary order the Court of Appeals rejected all of the appellants' arguments and affirmed Arch's judgment.

Bill Taylor and Craig O'Neill represented Arch Insurance Company.