

White and Williams Team Obtain Summary Judgement for Client in MGA Case

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Scott Casher and Sabina Corrado recently obtained summary judgment for a client in an arbitration matter. In this case, the claimant was hired to run a managing general agency (MGA) affiliated with the client that specialized in energy underwriting, and he was ultimately let go (along with his entire team) due to the MGA's lack of profitability. Instead of accepting his severance package, the claimant chose to demand arbitration against the client, alleging that he was owed millions of dollars for the supposed breaches of unexecuted documents external to his employment agreement. Scott and Sabina moved to dismiss these claims based on the merger clause in the claimant's agreement. Faced with dismissal, the claimant decided to alter his theory of liability and alleged that he was fraudulently induced to accept employment with the client based on misrepresentations. After discovery was completed, Scott and Sabina moved for summary judgment, arguing that the evidence established that the client did not make any knowingly false misrepresentations to the claimant and that the claimant had failed to establish "out-of-pocket" damages. The claimant again attempted to change his theory of liability at the summary judgment stage, but, after further briefing, the arbitrator agreed that there was no evidence to support the fraudulent inducement claim and dismissed the claim with prejudice.