

Winston & Strawn Obtains Dismissal of Class Action with Prejudice on Behalf of Insurance Client

OCTOBER 28, 2014

On October 28, 2014, the Central District of California granted Winston & Strawn's motion to dismiss on behalf of our client Virginia Surety Company. The Plaintiff, Arie Waiserman, brought a class action suit against our client, claiming that the insurance coverage underwritten by Virginia Surety violated California law.

Waiserman alleged that defendants issued disability policies to an ineligible group; circumnavigated regulatory oversight; and never intended to satisfy insureds' claims, among other allegations.

Winston argued its motion to dismiss on the fact that Waiserman lacked Article III standing because (1) the insurance policy is enforceable under California law; and (2) Waiserman did not suffer an injury because he never submitted a claim or suffered a covered loss.

The court found that Waiserman had a lack of standing and dismissed the case with prejudice.

Winston & Strawn Partner Kelly Librera led the team with significant support from Associate Shawn Obi.

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