

Suit That Did Not Seek Relief against Director or Officer Held Not a Claim against an Insured Person

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The United States District Court for the District of Maine has held that there is no coverage under a directors and officers liability policy for a settlement by an entity of a lawsuit that did not name as a defendant any insured person. *Med. Mutual Ins. Co. v. Indian Harbor Ins. Co.*, 2008 WL 4963485 (D. Me. Nov. 19, 2008). The underlying employee disability discrimination suit named only the company as a party, though the employee accused directors and officers of wrongful acts in the body of the complaint. The court held that the action did not fall within the scope of coverage because the claimant never made a "claim against any officer or director for relief." The court stated that "[t]his outcome is consistent with the purpose of a Directors and Officers policy, [which is] to give those persons insurance coverage to protect them from *personal* liability."