

PRESS RELEASE

Wiley Rein Secures Favorable Ruling in 'Consent to Settle' Case

June 24, 2015

Wiley Rein secured a favorable ruling on behalf of an insurer in a "consent to settle" case before the U.S. Court of Appeals for the 11th Circuit. A team led by Insurance Practice partner Charles C. Lemley persuaded the federal panel to affirm a lower court's dismissal of the insured's complaint.

The June 23 ruling, covered by *Law360*, follows an April 20 decision by the Georgia Supreme Court that the case was properly dismissed because the insured had settled the underlying lawsuit without the insurer's consent. The case, originally filed in federal district court, sought coverage for a \$4.9 million settlement agreement plus interest and alleged bad faith on the part of the insurer.

On appeal, the 11th Circuit referred certified questions to the Georgia Supreme Court. Mr. Lemley successfully argued the case before the state high court on behalf of the insurer, XL Specialty Insurance Company. Mr. Lemley was assisted in the case, *Piedmont Office Realty Trust, Inc. v. XL Specialty Ins. Co.*, by Wiley Rein partner William E. Smith and associate Edward R. Brown.

Practice Areas

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