

Ashland Hospital Corporation D/B/A King's Daughters Medical Center, et al. v. Darwin Select Insurance Co., et al.

Year: 2021

Court: Kentucky Supreme Court

Case Number: 2020-SC-0260-D

In its amicus curiae brief, UP supports an insured Kentucky hospital that was ordered to reimburse its insurer for legal fees previously paid by the insurer to defend the hospital in underlying lawsuits. UP's brief argued: (1) procedurally, the lower court lacked the authority to rule on the issue because it was not properly before the lower court or briefed (2) substantively, allowing insurers to unilaterally recoup defense costs from their insureds would undermine the broad scope of an insurers duty to defend under Kentucky law.

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