

Karen Cosgrove v. National Fire and Marine Ins. Co.

Year: 2017

Court: U.S. District Court, District of Arizona

Case Number: CV-14-02229-PHX-HRH

When an insurance company obtains confidential information from coverage counsel for the insured, it is estopped from asserting coverage defenses based upon the improperly obtained information. In the instant case, the District Court held as much, but the order was vacated and records were sealed. UP sought to intervene in the matter to reinstate the order and unseal the court records. Well-established precedent prohibits an insurance company from hiding a decision from the public record. Unless there is a “compelling reason,” the public is entitled to access court records. The touchstone of “vacatur” is equity and the public interest. Because no compelling reason was given in the District Court’s three-sentence stipulation, UP argued it should be allowed to intervene for the purpose of reinstating the opinion and unsealing court records.

UP's motion to intervene and motion to unseal court records was authored pro bono by Dustin Cho, Esq. of Covington & Burling LLP