

# Wiley Rein Victory in Delaware Supreme Court Insurance Case Garner Industry News Coverage

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The Delaware Supreme Court ruled yesterday that a lawsuit filed by the Washington Mutual, Inc. Liquidating Trust against several insurers must be dismissed because there is no ripe controversy between the parties and the trust effectively was seeking an advisory opinion regarding coverage for a potential future lawsuit.

As previously reported in *Law360*, Wiley Rein Insurance Practice partner Charles C. Lemley and associate John E. Howell represented two of the lead defendants in the lawsuit and argued the case on behalf of all the insurers. As recently reported in *Law360* and in *The D&O Diary*, the court held that the lawsuit was “not ripe because it has not yet assumed a concrete or final form,” and therefore “any judicial resolution at this stage would necessarily be based on speculation and hypothetical facts, and ultimately could prove unnecessary.”

To read yesterday’s *Law360* article on the opinion, [click here](#) (subscription required). For more analysis on the case, [click here](#).

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