

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALLIED WORLD SPECIALTY	:	CIVIL ACTION
INSURANCE COMPANY,	:	
<i>formally known as</i>	:	No. 17-1463
DARWIN NATIONAL ASSURANCE	:	
COMPANY	:	
	:	
v.	:	
	:	
INDEPENDENCE BLUE CROSS	:	

ORDER

AND NOW, this 31st day of October, 2017, upon consideration of Defendant Independence Blue Cross, LLC's Motion to Dismiss or Stay the Complaint, Plaintiff Allied World Specialty Insurance Company f/k/a Darwin National Assurance Company's opposition thereto, and Defendant's reply, and after a June 28, 2017, oral argument on the Motion, it is ORDERED the Motion (Document 9) is GRANTED in part and DENIED in part as follows:

- The Motion is GRANTED as to the issue of whether the relief sought by the plaintiffs in the underlying MDL Action, *In Re: Blue Cross Blue Shield Antitrust Litigation*, Master File No. 2:13-cv-20000-RDP (N.D. Ala.), is covered under the insurance policy issued by Plaintiff to Defendant insofar as this issue is stayed for a period of six months, until April 30, 2018, or until the disposition of the plaintiffs' claims for relief in the MDL Action. Upon the expiration of the six-month period or the disposition of the plaintiffs' claims—whichever occurs sooner—the parties shall file letter briefs indicating whether the stay should be continued or if this issue is ripe for consideration.

- The balance of the Motion is DENIED, and this case shall proceed as to whether coverage is barred by the Related Claim and/or Prior Litigation Exclusions in the Policy.

Defendant shall file an answer to Plaintiff's Complaint on or before November 14, 2017.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.