

M. CLAIRE MCCUDDEN

ASSOCIATE



AREAS OF PRACTICE

Miscellaneous Professional Liability
Non-Profit D&O
Lawyers' Professional Liability
Privacy & Data Security
General Liability
Health Care Liability

CONTACT INFO

(302) 552-4354
MCMcCudden@mdwcg.com

Nemours Building, 1007 N. Orange St.
Suite 600, P.O. Box 8888
Wilmington, DE 19801

ADMISSIONS

Delaware
2007

U.S. District Court for the District
of Delaware
2007

U.S. Court of Appeals 3rd Circuit
2017

EDUCATION

University of Pittsburgh School of
Law (J.D., 2007)

University of Pittsburgh (B.S.B.A.,
magna cum laude, 2004)

YEAR JOINED

2023

OVERVIEW

Claire has a diverse practice concentrated in the areas of professional liability, casualty and healthcare liability. She handles a broad range of professional liability matters including representing attorneys, accountants, corporate directors and officers, veterinarians, non-profit organizations, including condominium, homeowner and property owner associations, and other professionals in the defense of claims, as well as various commercial litigation matters. Claire also assists with privacy and data breach matters, helping clients to reduce cyber risk exposures and navigate incident response, containment, and compliance measures following a data breach. Further, Claire defends clients in medical malpractice cases, including medical and dental matters, and in general liability cases including premises liability and motor vehicle accidents and assists clients in PIP/first party contractual claims and Fraud/Special Investigation.

Prior to joining Marshall Dennehey, Claire devoted her practice to bankruptcy where she represented a Chapter 7 Trustee in a wide array of cases, including pursuing D&O claims on behalf of the bankruptcy estate. She also previously served as a judicial clerk for the New Castle County Court of Common Pleas in Delaware.

Claire received her *juris doctor* degree from University of Pittsburgh, School of Law. She also received a Bachelor of Science in Business Administration degree in Accounting from University of Pittsburgh.

THOUGHT LEADERSHIP

Adequate Notice Requires More Than Delivery of a Policy

Wilmington

Insurance Agents & Brokers Liability

February 1, 2025

A December 31, 2024, decision from the Supreme Court of Idaho found that adequate notice to an insured required more than the delivery of a policy and, due to the insurer's failure to do so, coverage under a pre-existing policy continued. Legal Update for Insurance Agents & Brokers - February 2025, is prepared by Marshall Dennehey to provide information on recent legal developments

Delaware Superior Court Decision Imparts Lessons for Insurance Agents and Brokers Regarding Policy Exclusions and Language

Wilmington

Insurance Agents & Brokers Liability

November 1, 2024

In June 2024, the Delaware Superior Court granted a motion for summary judgment, requiring an insurance company to defend and indemnify the plaintiff in regard to underlying litigation. Legal Update for Insurance Agents & Brokers, November 2024, has been prepared for our readers by Marshall Dennehey.

New York Supreme Court Decisions Impart Lessons for Insurance Agents and Brokers

Wilmington

Insurance Agents & Brokers Liability

January 30, 2024

PUBLISHED WORKS

"New York Supreme Court Decisions Impart Lessons for Insurance Agents and Brokers," *PLUS Blog*, January 30, 2024

RESULTS

Summary Judgment Secured in a Legal Malpractice Case

Lawyers' Professional Liability

December 2, 2024

We obtained a summary judgment dismissal on behalf of our client, a law firm, that was sued by its former clients for legal malpractice. The plaintiffs, seven affiliated companies and their owners in the business of developing property, had been sued by their bank for defaulting on multiple lines of credit. The bank filed several lawsuits against the property developers, claiming approximately \$7 million in damages, plus attorneys' fees, which were recoverable pursuant to the terms of the promissory notes.

Summary Judgment Secured for a Condominium Association

Non-Profit D&O

January 20, 2024

We obtained summary judgment, dismissal and an award of attorneys' fees for a condominium association. Judgment was entered in favor of our client against the plaintiff in an earlier action that sought unpaid assessments. In order to sell its property, the plaintiff sent the association a check in the amount of recorded liens. The association returned the check, demanding the full payoff amount, and claimed a statutory lien for all amounts owed.