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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Dentists Could Join Virus Coverage Suit After FCA Test Case

By **Martin Croucher**

Law360, London (September 18, 2020, 6:32 PM BST) -- British dental practices closed during the government's COVID-19 lockdown could be in the running for compensation from insurer QBE after a judgment in a test case brought by the Financial Conduct Authority, according to City law firm Mishcon de Reya LLP.

Mishcon said Friday it is looking to expand its group action against QBE to include dental practices. Previously, its group claim against the insurer had only been on behalf of hospitality companies.

QBE was one of eight insurers involved in the High Court test case, which was brought by the FCA to determine whether 370,000 small businesses would be able to claim on their business interruption policies. The judgment, **on Tuesday**, was mostly in favor of policyholders.

"We know that thousands of dental businesses have been badly impacted by the pandemic and that QBE has not paid out," Sonia Campbell, a Mishcon de Reya partner, said.

"Given that the High Court judgment makes clear that QBE should pay out under certain policies, we are best placed to represent UK dentists and others insured by QBE," she added.

QBE said Tuesday that, based on the judgment, it would have to pay out \$170 million in claims to policyholders. But because of its reinsurance program, that figure would be reduced to \$70 million.

The insurer said it had an opportunity to appeal the judgment but did not say if it would.

"The FCA test case decision is highly complex and will take time for the industry to fully consider and for claims to be resolved," the insurer said in a stock market update.

Mishcon was allowed to intervene in the FCA trial in late July, on behalf of policyholders of Hiscox, QBE and Aviva. The intervention for QBE and Aviva policyholders was purely on behalf of hospitality businesses.

The trade body for U.K. dental practices, the British Dental Association, urged the FCA in June to **expand the scope** of its test case, arguing that "very few" of its members would be bound by the court's judgment.

The BDA appointed law firm Brown Rudnick LLP in May to examine members' policies ahead of the test case.

--Editing by Alyssa Miller.

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