

No. ED113635

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**IN THE MISSOURI COURT OF APPEALS  
EASTERN DISTRICT**

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OPIOID MASTER DISBURSEMENT TRUST II, A/K/A OPIOID MDT II,

Plaintiffs/Appellants,

v.

ACE AMERICAN INSURANCE COMPANY, *et al.*,

Defendants/Respondents.

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Appeal from the Circuit Court of the City of St. Louis, Missouri

The Honorable Richard M. Stewart

Case No. 22SL-CC02974

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**JOINDER OF RESPONDENT ACE AMERICAN INSURANCE COMPANY**

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## **INTRODUCTION**

Respondent ACE American Insurance Company (“ACE”) respectfully submits this joinder to the Brief of Respondents National Union Fire Insurance Company of Pittsburgh, Pa. and American Home Insurance Company (the “AIG Insurers”), filed on January 21, 2026. As further set forth below, ACE hereby joins and adopts the AIG Insurers’ brief in its entirety, including the Introduction.

## **STATEMENT OF FACTS**

ACE joins in and adopts the Statement of Facts set forth in the AIG Insurers’ brief, and offers the following additional facts:

As relevant to this appeal, ACE issued four excess insurance policies to Covidien covering annual periods during the years 2007–2011 (the “ACE Policies”). D504 p. 20 (¶ 38); *see also* D479–D480. Each of the ACE policies “follows form” to the AIG Umbrella Policy for the relevant year, incorporating certain terms of the AIG Umbrella Policy, including the PCOH Claims-Made Endorsement. D504 pp. 20–21 (¶ 39); D479–D480; *see, e.g.*, D453.

## **ARGUMENT**

ACE joins in and adopts Argument Sections I, II, and III set forth in the AIG Insurers’ brief. Because all the liability Mallinckrodt faced in the Opioid Lawsuits is captured by the PCOH Claims-Made Endorsement, and none of the Opioid Lawsuits was a claim first made against Mallinckrodt during an ACE Policy period (and, of course, none of the Opioid Lawsuits was reported to ACE during an ACE Policy period, because the

lawsuits were not filed until years later), there is no coverage for the Opioid Lawsuits under the ACE Policies. *See* AIG Insurers' Br. at 21–22, 26–50.

Dated: January 21, 2026  
St. Louis, Missouri

Respectfully submitted,

SANDBERG PHOENIX, P.C.

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## **CERTIFICATE OF COMPLIANCE**

The undersigned certifies that pursuant to Mo. Sup. Ct. R. 84.06(c) that this brief (1) contains the information required by Rule 55.03; (2) complies with the limitations contained in Rule 84.06(b) and E.D. Local Rule 360; (3) contains 256 words, based on the word count that is part of Microsoft Word. The undersigned counsel further certifies that the electronic version of this brief has been scanned and is free of viruses.

*/s/ Aaron French*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 21, 2026, the foregoing was electronically filed with the Clerk of the Eastern District Court of Appeals by operation of the Court's electronic filing system with copies served upon all counsel of record.

/s/ Aaron French