

# Scott Seaman Quoted In Law360 On Insurance Coverage Questions Certified By The Delaware Supreme Court

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Scott M. Seaman, Chicago partner at Hinshaw & Culbertson LLP, was quoted in a May 28, 2015 article in *Law360* on the Delaware Supreme Court's certification of two insurance coverage questions to the New York Court of Appeals that arose in a 10-year-old battle over excess insurance coverage for asbestos injury claims against Viking Pump Inc. and Warren Pumps LLC.

The Delaware Supreme Court certified the questions of whether under New York law, when there are noncumulation and prior insurance provisions, the proper method of allocation is all sums or pro rata and, given the answer to the first question, when the underlying primary and umbrella insurance in the same policy period has been exhausted, what rule determines when a policy holder may access its excess insurance, vertical or horizontal exhaustion.

"The Delaware high court's decision to ask the New York court to weigh in on these issues of state insurance coverage law makes complete sense, Scott M. Seaman, an insurance litigation specialist at Hinshaw & Culbertson LLP, told *Law360* on Thursday 'The predecessor trial judge's 'all sums' ruling appears to be contrary to New York law,' Seaman said in an email. 'There is a long line of cases in New York ruling in favor of a pro rata allocation, including the New York Court of Appeals 2013 decision in *Roman Catholic Diocese of Brooklyn v. National Union Fire Ins. Co. of Pittsburgh* and its 2002 ruling in [Consolidated Edison v. Allstate Ins. Co.](#)' "

Read the full article, "[Del. Court Asks NY For Help With Asbestos Insurance Case](#)," on *Law360*'s website. Please note a subscription is required to access the article.

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