

Five Major California Insurance Battlegrounds In 2017

In The News | 1 min read

Jan 18, 2017

Law360

Reporter Jeff Sistrunk of Law360 analyzes five major insurance disputes pending before the California Supreme Court and other California courts. He spoke to Hinshaw's Larry Golub about the *Ace American v. Fireman's Fund* and *Migdal Insurance Co. v. ICSOP* cases.

At issue in *Ace American* is whether an excess insurer can assert an equitable subrogation claim against the primary carrier for settling a case for an amount in excess of primary policy limits. According to Golub, "we have had a split in decisions in the intermediate appellate courts as to whether a settlement above the primary limits allows the excess insurer to pursue an equitable subrogation claim, so guidance from the [California] Supreme Court is needed."

The *Migdal Insurance* case involves the application of a policy provision that it is excess over other, same-level insurance policies. Golub noted "The interplay of coverage from multiple insurance companies who did not contract with each other comes up in many claims, and any decision [from the California Supreme Court] that would provide clarity to insurers and insureds would be helpful."

Read "[5 California Insurance Battlegrounds in 2017](#)" (*subscription required*)

Hinshaw & Culbertson LLP is a U.S.-based law firm with offices nationwide. The firm's national reputation spans the insurance industry, the financial services sector, professional services, and other highly regulated industries. Hinshaw provides holistic legal solutions—from litigation and dispute resolution, and business advisory and transactional services, to regulatory compliance—for clients of all sizes. Visit www.hinshawlaw.com for more information and follow @Hinshaw on LinkedIn and X.

Related Capabilities

Insurance Coverage Litigation & Counseling