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~~LANDSCAPE A~~
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Pump Changing The Allocation

court know, things were about to change.

‘ Viking Pump ’ On May 3, 2016, the Court of Appeals issued an unexpected decision in Viking Pump, explain - ing that “ pro rata allocation is inconsistent with non-cumulation and non- cumulation/ prior insurance provisions ” and holding “ that all sums allocation is appropriate in policies

~~‘ Viking Pump ’ : Changing The
Allocation Landscape A~~

In In re Viking Pump, the New York Court of Appeals applied an all sums allocation to a long-term asbestos bodily injury case, catching New York insurance practitioners by surprise and uprooting the long-held understanding that New York is a pro rata

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jurisdiction. Courts have long wrestled with the appropriate approach to allocating loss in insurance coverage cases concerning continuous bodily injury or property damage that takes place over many years.

~~' Viking Pump ' : Changing the Allocation
Landscape~~

'Viking Pump': Changing the Allocation Landscape In their Corporate Insurance Law column, Howard B. Epstein and Theodore A. Keyes write: In 'In re Viking Pump', the New York Court of Appeals ...

~~'Viking Pump': Changing the Allocation
Landscape | New ...~~

' Viking Pump ' : Changing The Allocation Landscape A In In re Viking Pump, the New York Court of Appeals applied an all sums allocation to a long-term asbestos bodily injury case, catching New York insurance practitioners by surprise and

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uprooting the long-held understanding that New York is a pro rata jurisdiction.

~~Viking Pump Changing The Allocation Landscape A~~

The fourth session of the Education Day was entitled “ A New Allocation Landscape Under In re Viking Pump, Inc . ” . Bruce Engel, Partner at Freeborn & Peters LLP, moderated the panel consisting of Amy Kallal, Partner at Mound Cotton Wollan & Greengrass LLP, and Robin Dusek, Partner at Freeborn & Peters. Amy Kallal addressed the Viking Pump decision, stating that “ it turns out ” that New York is not really a pro rata state, but that “ sometimes ” it is.

~~A New Allocation Landscape Under In re Viking Pump, Inc.~~

On May 3, however, the Court of Appeals issued a landscape-changing unanimous decision in In re Viking Pump, 2016 WL

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1735790 (N.Y. May 3, 2016). Ruling on allocation and a related issue, exhaustion, the Court of Appeals granted the policyholders' request to employ "all sums" and "vertical exhaustion" approaches to policies containing "non-cumulation" and "prior insurance" provisions.

~~'Viking Pump': Landmark Victory for Policyholders~~

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Viking Pump vindicates this position and reaffirms the Court ' s rule that the specific policy language at issue must be evaluated on its own and that it is the policy language, as opposed to the insurance industry ' s public policy arguments for pro rata allocation, that

~~New York High Court Issues Much- Anticipated Viking Pump Ruling~~

Viking and Warren sought coverage under the Liberty Mutual policies, and the Delaware Court of Chancery determined that both companies were entitled to exercise rights as insureds under those policies (see generally Viking Pump, Inc. v Liberty Mut. Ins. Co., 2007 WL 1207107, 2007 Del Ch LEXIS 43 [Del Ch Apr 2, 2007]).

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~~In re Viking Pump, Inc. :: 2016 :: New York
Court of ...~~

Viking Pump, Inc. has been a pump industry leader and innovator since its founding in 1911. We're building on our ever-growing experience to deliver innovative pumping solutions (including custom designs) to thousands of customers who use millions of Viking pumps in some of the world's toughest applications.

~~Viking Pump | Pump Innovations in Liquid
Handling Since 1911~~

Home Perspectives NY High Court ' s
' All Sums ' Allocation Ruling in Viking Pump is a Game Changer. Authors: Ann V. Kramer John B. Berringer John N. Ellison Paul E. Breene Richard P. Lewis. Yesterday, New York ' s high court took a giant step forward in protecting policyholders facing latent injury claims, allowing them to avoid multiple deductibles, retentions and

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insolvent coverage. A
Landscape A

~~NY High Court 's ' All Sums ' Allocation Ruling in Viking ...~~

Keyspan states that “ the method of allocation is governed foremost by the particular language of the relevant insurance policy, ” and Viking Pump states that “ the contract language controls the question of allocation ”). Under the Keyspan and Viking Pump line of cases, the Court of Appeals of New York has made clear that policy language will dictate the applicable allocation scheme, and that any policy containing “ continuing coverage ” language extending coverage for injuries or ...

~~How 2 Cases Have Settled NY Insurance Allocation Law Law360~~

Subsequently, on May 3, 2016, the New York Court of Appeals issued an opinion in

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In re Viking Pump, Inc. ruling that all sums allocation should apply to policies with non-cumulation clauses because non-cumulation clauses “ ‘ plainly contemplate that multiple successive insurance policies can indemnify the insured for the same loss or occurrence ’ and non-cumulation was inconsistent with a pro rata approach. ”

~~NY Asbestos Non-Cumulation Post Viking Pump — Hoke ...~~

TITLE: Pump Rotation and Relief Valve Location VIKING PUMP, INC. A Unit of IDEX Corporation Cedar Falls, IA 50613 USA-Rotation on a Viking Pump is determined by looking from the shaft end.-The relief valve bonnet always faces the suction port.-Standard 90-degree port arrangement is considered right hand port suction, clockwise rotation.

~~RIGHT HAND PORTS — C.W.~~

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~~ROTATION RIGHT HAND PORTS—~~

~~Viking~~

That critique of Olin III cleared the path for Viking Pump to apply an all sums allocation. Viking Pump seems to have lost the forest for the trees by subjugating the “ during the policy period ” ...

~~Viking Pump Rebels Against NY Pro Rata Allocation Regime ...~~

On May 3, 2016, New York ' s highest court in In the Matter of Viking Pump Inc., and Warren Pumps, LLC, Insurance Appeals held that, in the context of long-tail claims, an “ all-sums ” allocation method should apply pursuant to which each excess policy can be held liable for an entire loss when the policies at issue contain non-cumulation and prior insurance provisions.

~~New York High Court Holds That All Sums Allocation Method ...~~

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Viking Pump considered “ whether ‘ all sums ’ or ‘ pro rata ’ allocation applies where the excess insurance policies at issue either follow form to a non-cumulation provision or contain a non-cumulation and prior insurance provision. ” It ruled pro rata allocation could not apply in either circumstance.

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