

## **Insurance Coverage Alert - May 2016**

May 1, 2016

**PRO RATA REJECTED: NEW YORK HOLDS PRIOR INSURANCE AND NON-CUMULATION CLAUSES REQUIRE ALL SUMS ALLOCATION AND VERTICAL EXHAUSTION**

The New York Court of Appeals has now ruled that all sums allocation and vertical exhaustion apply to continuous loss where the implicated policies contain Prior Insurance and Non-Cumulation clauses. In re Viking Pump, Inc. et al., 2016 N.Y. Slip. Op. 03413 (May 3, 2016).