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Insurance Coverage Alert - July 2017

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New York Court of Appeals Interprets The Fault Back into ISO's Fault–Based Additional Insured Endorsement

Effectively overruling a body of case law that was becoming entrenched in New York's insurance jurisprudence, the New York Court of Appeals held in *Burlington Ins. Co.* v. *NYC Transit Authority*, --- N.E. ---, 2017 N.Y. Slip Op. 04384 (2017) that the phrase "caused by" in an additional insured endorsement required proximate causation, not the broader "but for" causation associated with "arising out of."