



## News

### Scott Seaman Discusses Decision by NY Court to Reject 'Unavailability of Insurance' Exception

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Hinshaw's Scott Seaman—a Chicago-based partner and co-chair of the firm's Insurance Services Practice Group—is quoted in a *Law360* article titled "NY Ruling Curtails Insurers' Environmental Cleanup Exposure." The article discusses Tuesday's unanimous decision by the New York Court of Appeals to reject the application of a "so-called unavailability exception to the pro rata insurance allocation formula," often referenced in long-tail insurance coverage matters. The decision will limit "carriers' exposure to cleanup coverage claims by forcing policyholders to pick up the tab for such periods."

"The New York Court of Appeals slammed the door shut on policyholders seeking to hoist upon their insurers losses for periods in which insurance is unavailable in the marketplace, delivering a significant victory to insurers in the allocation war," said Seaman, characterizing the unavailability exception as "utter lunacy."

Read "[NY Ruling Curtails Insurers' Environmental Cleanup Exposure](#)," on the *Law360* website (*subscription may be required*)

Also read Seaman's article discussing this decision: "[Expert Analysis: New York Court of Appeals Slams Door on 'Unavailability of Insurance' Exception](#)"

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