



News

Five Major California Insurance Battlegrounds In 2017

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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*)