

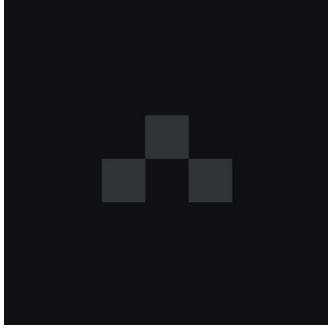
PUBLICATIONS

New York Courts May Be Wavering on ‘Zeig’

December 8, 2011

The U.S. Court of Appeals for the Second Circuit’s seminal decision in *Zeig v. Massachusetts Bonding & Ins. Co.* is a widely followed decision from 1928 that addressed issues concerning the trigger of excess insurance. Though courts in certain other jurisdictions have recently begun to call the *Zeig* decision into question, New York courts had continued to follow *Zeig*. The U.S. District Court for the Southern District of New York has recently issued two rulings, one which followed *Zeig*, and another, which, while it does not explicitly reject *Zeig*, seems to base its conclusion on a rejection of the *Zeig* rationale. These rulings give reason to reconsider this topic until the Second Circuit addresses this issue again.

Related People



**Howard
Epstein**

Of Counsel
New York



**Theodore
Keyes**

Partner
New York

Practices

COMPLEX COMMERCIAL LITIGATION

ENVIRONMENTAL

INSURANCE

LITIGATION

Attachments

[!\[\]\(e3275251d0893157c3584e20c81dc3ba_img.jpg\) Download Article](#)