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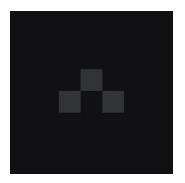
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New York Courts May Be Wavering on 'Zeig'

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.

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