

PUBLICATIONS

New York Courts May Be Wavering on ‘Zeig’

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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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