

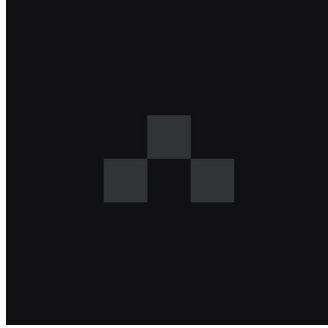
PUBLICATIONS

Revisiting Non-Assignment Clauses: California Returns to the Majority Rule

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In 2003, the Supreme Court of California departed from the majority rule and denied a successor entity the right to its predecessor's insurance despite the fact that the underlying loss predated the assignment of insurance rights. At the time, it appeared that the decision in *Henkel Corp. v. Hartford Accident & Indemnity Co* might be the start of a trend toward the minority rule. But recently, in *Fluor Corp. v. Superior Court*, the Supreme Court of California overruled *Henkel*, and it now appears that courts are trending back toward the post-loss exception rule followed by a majority of jurisdictions. In this article, partner Howard B. Epstein and special counsel Theodore A. Keyes discuss recent cases that examine enforceability of non-assignment clauses in insurance policies.

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