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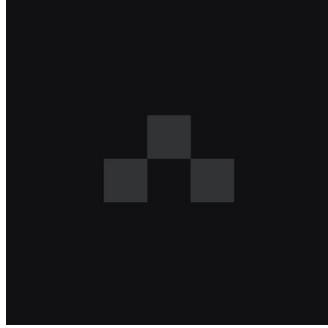
Court of Appeals Rejects Unavailability of Insurance Exception

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If a company did not have insurance for a period of time, does it matter why? Does it matter whether the company did not have insurance because the company chose not to purchase it or because it was not available in the marketplace? In this article, partner Howard Epstein and special counsel Theodore Keyes discuss how the recent Court of Appeals decision in *Keyspan* answers these questions, at least in the context of applying a pro rata allocation to loss arising out of environmental contamination that occurred continuously over a period of years.

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