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Viking Pump Changing The Allocation

court know, things were about to change. 'Viking Pump' On May 3, 2016, the Court of Appeals issued an unexpected decision in Viking Pump, explain - ing that "pro rata allocation is inconsistent with non-cumulation and non- cumulation/ prior insurance provisions" and holding "that all sums allocation is appropriate in policies

'Viking Pump': Changing The Allocation Landscape A

In In re Viking Pump, the New York Court of Appeals applied an all sums allocation

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to a long-term asbestos bodily injury case, catching New York insurance practitioners by surprise and uprooting the long-held understanding that New York is a pro rata jurisdiction. Courts have long wrestled with the appropriate approach to allocating loss in insurance coverage cases concerning continuous bodily injury or property damage that takes place over many years.

'Viking Pump': Changing the Allocation Landscape

In *In re Viking Pump*, the New York Court of Appeals applied an all sums allocation to a long-term asbestos bodily injury case, catching New York insurance practitioners by surprise and uprooting...

'Viking Pump': Changing the Allocation Landscape | New ...

On May 3, however, the Court of Appeals issued a landscape-changing unanimous decision in *In re Viking Pump*, 2016 WL 1735790 (N.Y. May 3, 2016). Ruling on allocation and a related issue,

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exhaustion, the Court of Appeals granted the policyholders' request to employ "all sums" and "vertical exhaustion" approaches to policies containing "non-cumulation" and "prior insurance" provisions.

'Viking Pump': Landmark Victory for Policyholders

Viking Pump vindicates this position and reaffirms the Court's rule that the specific policy language at issue must be evaluated on its own and that it is the policy language, as opposed to the insurance industry's public policy arguments for pro rata allocation, that

New York High Court Issues Much-Anticipated Viking Pump Ruling

NY High Court's 'All Sums' Allocation Ruling in Viking Pump is a Game Changer. Home Perspectives NY High Court's 'All Sums' Allocation Ruling in Viking Pump is a Game Changer.

Authors: Ann V. Kramer John B. Berringer
John N. Ellison Paul E. Breene Richard P.

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Lewis. Yesterday, New York's high court took a giant step forward in protecting policyholders facing latent injury claims, allowing them to avoid multiple deductibles, retentions and insolvent coverage.

NY High Court's 'All Sums' Allocation Ruling in Viking ...

Viking and Warren sought coverage under the Liberty Mutual policies, and the Delaware Court of Chancery determined that both companies were entitled to exercise rights as insureds under those policies (see generally *Viking Pump, Inc. v Liberty Mut. Ins. Co.*, 2007 WL 1207107, 2007 Del Ch LEXIS 43 [Del Ch Apr 2, 2007]).

In re Viking Pump, Inc. :: 2016 :: New York Court of ...

In *Viking Pumps*, the court found, instead, that the presence of a non-cumulation clause or a non-cumulation clause and prior insurance provision mandates an all sums allocation and

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concluded that a pro-rata allocation is irreconcilable with non-cumulation clauses.

In re Viking Pump, Inc. - AIRROC

1. Location - locate the pump as close as possible to supply of liquid being pumped. If possible locate pump below liquid supply. Viking pumps are self-priming; but, the better the suction conditions the better the pump will perform. 2. Accessibility - pump must be accessible for inspection, maintenance and repair. 3.

MODEL NUMBER CHART - Viking Pump

Viking Pump, Inc. has been a pump industry leader and innovator since its founding in 1911. We're building on our ever-growing experience to deliver innovative pumping solutions (including custom designs) to thousands of customers who use millions of Viking pumps in some of the world's toughest applications.

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Viking Pump | Pump Innovations in Liquid Handling Since 1911

In *In re Viking Pump, Inc.*, the Delaware Chancery Court, applying New York law, held that an all sums allocation was required because of the presence of non-cumulation and prior insurance/continuing coverage language in the relevant policies. The case was transferred to the Delaware Superior Court, which held that horizontal exhaustion was required by New York law.

A New Allocation Landscape Under *In re Viking Pump, Inc.*

Keyspan states that “the method of allocation is governed foremost by the particular language of the relevant insurance policy,” and Viking Pump states that “the contract language controls the question of allocation”). Under the *Keyspan* and *Viking Pump* line of cases, the Court of Appeals of New York has made clear that policy

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language will dictate the applicable allocation scheme, and that any policy containing “continuing coverage” language extending coverage for injuries or ...

How 2 Cases Have Settled NY Insurance Allocation Law - Law360

There is only one way to find out – look at Viking Pump. The answer is clearly no. Viking Pump adopted “all sums” – and distinguished itself from New York’s pro-rata allocation rule as set out in *Consol. Edison Co. of N.Y. v. Allstate Ins. Co.*, 98 N.Y.2d 208 (2002) -- on the basis that Viking Pump involved policies containing non ...

Viking Bump For Policyholders: California Court Interprets ...

That critique of *Olin III* cleared the path for Viking Pump to apply an all sums allocation. Viking Pump seems to have lost the forest for the trees by subjugating the “during the policy period”...

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Viking Pump Rebels Against NY Pro Rata Allocation Regime ...

Viking Pump considered “whether ‘all sums’ or ‘pro rata’ allocation applies where the excess insurance policies at issue either follow form to a non-cumulation provision or contain a non-cumulation and prior insurance provision.” It ruled pro rata allocation could not apply in either circumstance.

Courts Address All Sums Coverage Allocation Debate - Risk ...

Viking Pumps founded as a company way back in 1911. Since those early days, the company has progressed and become one of the major innovators in the pump industry. Today, thousands of customers from around the world make use of the millions of pumps manufactured by Viking, in all kinds of different sectors.

Viking Pumps | Slater Pumps

On appeal in Viking Pump, the insurers

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argued that “pro rata” allocation should apply even under the standard-form CGL policy language at issue there, and that the non-cumulation and prior insurance provision in the policies operate to reduce the total limits available after proration of the claim.

What Methods of Allocation Will Prevail in New York ...

Last year, the New York Court of Appeals ruled in *Matter of Viking Pump*, 52 N.E.3d 1144 (N.Y. 2016), that “all sums” allocation, instead of pro rata allocation, would be applied to asbestos claims under excess policies containing certain “non-cumulation” language.

Complex Insurance Coverage

Reporter: White and Williams LLP

Based on the New York Court of Appeals’ intervening decision in *Viking Pump* (previously covered here, the Second Circuit found that an all sums allocation should apply. The decision thus allows Olin to obtain full indemnification under

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OneBeacon's policy for amounts spent to remediate the manufacturing sites, up to the limits of that policy.

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