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~~Pump Motor Speed Internal Gear Pump
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SIMPLIFIED VERSION~~ 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

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~~allocation 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~~

'Viking Pump': Changing the Allocation Landscape In their Corporate Insurance Law column, Howard B. Epstein and Theodore A. Keyes write: In 'In re Viking Pump', the New York Court of Appeals ...

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

' Viking Pump ' : Changing The

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~~Allocation Landscape A~~ 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 the long-held understanding that New York is a pro rata jurisdiction.

~~Viking Pump Changing The Allocation Landscape A~~

The fourth session of the Education Day was entitled “ A New Allocation Landscape Under In re Viking Pump, Inc . ” . Bruce Engel, Partner at Freeborn & Peters LLP, moderated the panel consisting of Amy Kallal, Partner at Mound Cotton Wollan & Greengrass LLP, and Robin Dusek, Partner at Freeborn & Peters. Amy Kallal addressed the Viking Pump decision, stating that “ it turns out ” that New York is not really a pro

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rata state, but that “ sometimes ” it is.

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

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, 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~~

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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~~

Viking and Warren sought coverage under the Liberty Mutual policies, and the Delaware Court of Chancery determined

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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 ...~~

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.

~~Viking Pump | Pump Innovations in
Liquid Handling Since 1911~~

Home Perspectives NY High Court ' s
' All Sums ' Allocation Ruling in Viking

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~~Pump is a Game Changer.~~ Authors: Ann V. Kramer John B. Berringer John N. Ellison Paul E. Breene Richard P. 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 ...~~

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 language will dictate the applicable allocation

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scheme, and that any policy containing
“ continuing coverage ” language
extending coverage for injuries or ...

~~How 2 Cases Have Settled NY Insurance Allocation Law — Law360~~

Subsequently, on May 3, 2016, the New
York Court of Appeals issued an opinion
in *In re Viking Pump, Inc.* ruling that all
sums allocation should apply to policies
with non-cumulation clauses because non-
cumulation clauses “ ‘ plainly
contemplate that multiple successive
insurance policies can indemnify the
insured for the same loss or occurrence ’
and non-cumulation was inconsistent with
a pro rata approach. ”

~~NY Asbestos Non-Cumulation Post Viking Pump — Hoke ...~~

TITLE: Pump Rotation and Relief Valve
Location VIKING PUMP, INC. A Unit

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of IDEX Corporation Cedar Falls, IA
50613 USA-Rotation on a Viking Pump is
determined by looking from the shaft
end.-The relief valve bonnet always faces
the suction port.-Standard 90-degree port
arrangement is considered right hand port
suction, clockwise rotation.

~~RIGHT HAND PORTS - C.W.
ROTATION RIGHT HAND PORTS -
Viking~~

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 ” ...

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

On May 3, 2016, New York ' s highest
court in In the Matter of Viking Pump
Inc., and Warren Pumps, LLC, Insurance

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Appeals held that, in the context of long-tail claims, an “ all-sums ” allocation method should apply pursuant to which each excess policy can be held liable for an entire loss when the policies at issue contain non-cumulation and prior insurance provisions.

~~New York High Court Holds That All Sums Allocation Method ...~~

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.

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