KAUFMAN | DOLOWICH

Mansfield Rule Certified 2022-2023

Michael L. Zigelman quoted in "California Court Expands Environmental Insurance Exposure," PropertyCasualty360

(August 17, 2012)

"This is certainly far from an insurer-friendly decision," observes Michael L Zigelman, a partner with Kaufman, Dolowich, Voluck & Gonzo. "It creates an 'uber-policy,' with the maximum amount of insurance available to the state."

However, he says, the state Supreme Court ruled insurers can limit exposure by including anti-stacking language in policies—something the industry has done since the mid-1980s.

Therefore, the ruling from the state's highest court could primarily apply to cases involving property damage or bodily injury claims before that time. But anti-stacking language "doesn't rule out ambiguity," adds Zigelman.

"It's not a 100 percent bar to potential claims but it's an uphill battle [for policyholders]," Zigelman says. "The decision is much more difficult to overcome for insurers who wrote policies earlier pre mid-1980s."

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