



Courts use choice-of-law analysis to avoid denying coverage, PropertyCasualty360

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December 03, 2019 | PropertyCasualty360

The Pitzer and Pfizer court decisions illustrate why insurers should include clear choice-of-law provisions in policies.

Recently, California and Delaware courts have applied choice-of-law analyses to coverage disputes seemingly to avoid denials of coverage. In Pitzer College v. Indian Harbor Ins. Co., the California Supreme Court held a choice-of-law provision was potentially unenforceable because it violated “fundamental public policy.” In Pfizer Inc. v. Arch Ins. Co. the Delaware Superior Court held Delaware law applied to insurance contracts that did not contain choice-of-law provisions, even though New York law arguably applied.