

## **Coughlin Midlige & Garland Prevails on Summary Judgment for Insurance Carrier in New York Supreme Court**

By: Robert W. Muilenburg

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On June 4, 2019, Partner Robert Muilenburg prevailed on a summary judgment in New York Supreme Court for an insurer enforcing payment of seven deductibles for \$425,000 arising out of a settlement of World Trade Center inhalation claims.

The insured argued that the deductible was satisfied by settlement payments of other insurers. The Court agreed with the insurer that based on the reimbursement clause of the deductible, when the insurer paid the deductible amount to effect a settlement, the named insured was obligated to reimburse the insurer for the deductible amount paid. The Court also rejected the insured's argument that it could pick and choose only one year and agreed that the deductible for each policy triggered by the claims of injury and under which the insurer allocated its settlement payment must be paid.