**FC&S Legal Newsletter for March 30, 2015**

**CASE LAW**

**Superstorm Sandy**

[**Flood Sublimits Did Not Apply to Losses Caused by Superstorm Sandy Storm Surge, New Jersey Trial Court Rules**](http://www.fcandslegal.com/2015/03/26/flood-sublimits-did-not-apply-to-losses-caused-by)

A trial court in New Jersey has ruled, in a Superstorm Sandy case, that flood sublimits did not apply to losses caused by storm surge, potentially affording coverage for $500 million in losses claimed by the Public Service Enterprise Group, Inc. [Read more](http://www.fcandslegal.com/2015/03/26/flood-sublimits-did-not-apply-to-losses-caused-by)

**Attorney's Fees**

[**Arkansas Supreme Court Limits Availability of Attorneys’ Fees to Insureds in Coverage Actions**](http://www.fcandslegal.com/2015/03/26/arkansas-supreme-court-limits-availability-of-atto)

The Supreme Court of Arkansas, in response to a question certified to it by the U.S. District Court for the Eastern District of Arkansas, has ruled that the recovery of attorneys’ fees by an insured in an insurance contract action was exclusively available pursuant to Arkansas Code Annotated Section 23-79-208, precluding an award of attorneys’ fees pursuant to Arkansas Code Annotated Section 16-22-308. [Read more](http://www.fcandslegal.com/2015/03/26/arkansas-supreme-court-limits-availability-of-atto)

**Commercial Property**

[**Iowa Supreme: Policy’s Rain Limitation Precluded Coverage for Damage Caused by Rain Escaping Ruptured Interior Drainpipe**](http://www.fcandslegal.com/2015/03/26/iowa-supreme-policys-rain-limitation-precluded-cov)

The Iowa Supreme Court, in its first opportunity to adjudicate an insurance claim under a policy limiting coverage for losses “caused by rain,” has reversed an intermediate appellate court’s decision and has ruled that the “unambiguous language” of a rain limitation in a commercial property insurance policy precluded coverage for damage allegedly caused by rainwater escaping a ruptured interior drainpipe in the insured building. [Read more](http://www.fcandslegal.com/2015/03/26/iowa-supreme-policys-rain-limitation-precluded-cov)

**Automobile Insurance**

[**MCS-90 Endorsement Required Tortfeasor’s Insurer to Compensate Injured Party Even If Injured Party Already Had Been Compensated by Its Own Insurer, Eighth Circuit Rules**](http://www.fcandslegal.com/2015/03/26/mcs-90-endorsement-required-tortfeasors-insurer-to)

The U.S. Court of Appeals for the Eighth Circuit, in a case of first impression in the circuit, has ruled that the federally mandated Motor Carrier Act of 1980 MCS-90 endorsement for motor carriers required a tortfeasor’s insurer to compensate an injured party even if the injured party already had been compensated by its own insurer. [Read more](http://www.fcandslegal.com/2015/03/26/mcs-90-endorsement-required-tortfeasors-insurer-to)

Browse [Case Law Developments](http://www.fcandslegal.com/case-law-developments)

**LEGISLATIVE/REGULATORY DEVELOPMENTS**

**Life Insurance**

[**Two Additional Insurers Agree to Use of Death Master File**](http://www.fcandslegal.com/2015/03/26/two-additional-insurers-agree-to-use-of-death-mast)

Guardian Life and Pacific Life have reached multi-million dollar settlements related to their use of the Social Security Administration’s Death Master File database. Both insurers agreed to reform their business practices and use the database to search for policyholder beneficiaries that might be owed benefits from a life insurance policy. [Read more](http://www.fcandslegal.com/2015/03/26/two-additional-insurers-agree-to-use-of-death-mast)

**Life Insurance**

[**Florida Man Charged with Insurance Fraud by Faking His Death**](http://www.fcandslegal.com/2015/03/26/florida-man-charged-with-insurance-fraud-by-faking)

Jose Lantigua and his wife Daphne Simpson of Fleming Island, Florida, have been charged with seven counts of insurance fraud after Florida officials said they discovered that Mr. Lantigua had faked his own death to cash in on $9 million in life insurance policies he had purchased.

[Read more](http://www.fcandslegal.com/2015/03/26/florida-man-charged-with-insurance-fraud-by-faking)

Browse [**Legislative/Regulatory Developments**](http://www.fcandslegal.com/legislative-regulatory-developments)

**INDUSTRY NEWS**

**Northwestern Mutual Life Acquires LearnVest to “Redefine Financial Planning” Experience** [Read more](http://www.fcandslegal.com/2015/03/26/northwestern-mutual-life-acquires-learnvest-to-red)

**Support Growing for Compromise on Insurance Requirements for Uber, Lyft, and Other TNCs** [Read more](http://www.fcandslegal.com/2015/03/26/support-growing-for-compromise-on-insurance-requir)

**Progressive Says that Its Usage-Based Insurance Program Will No Longer Provide Only Discounts – Some Drivers Will Face Rate Increases** [Read more](http://www.fcandslegal.com/2015/03/26/progressive-says-that-its-usage-based-insurance-pr)

**Massachusetts Insurance Federation Names John P. Murphy as New Executive Director** [Read more](http://www.fcandslegal.com/2015/03/26/massachusetts-insurance-federation-names-john-p-mu)

**ACE White Paper Offers Steps for Businesses to Stem Environmental Operational Risks** [Read more](http://www.fcandslegal.com/2015/03/26/ace-white-paper-offers-steps-for-businesses-to-ste)

Browse[**Industry News**](http://www.fcandslegal.com/industry-news)