

Henner, Michael and Elizabeth, vs. Gemini Insurance Co. et al

Year: 2010

Court: New York Supreme Court, Appellate Division, 4th Department

Case Number: CA 09-01832 and CA 01-01833

The issue in this case was whether the lower court erred in dismissing policyholder's claim for insurance coverage based on untimely notice by failing to consider prejudice to the insurance companies. UP argued that the notice-prejudice rule protects insurance consumers from untimely forfeiture. UP also reminded the Court that under New York law, a homeowner maintains a private statutory right of action against a contractor and their insurer for negligence causing environmental damage.

UP's brief was written pro bono by John G. Nevius, Esq. and Raymond A. Mascia Jr., Esq. of Anderson Kill & Olick, PC. Of Counsel: Amy Bach, Esq.