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Most Recent Summaries

Salvati v. The American Ins. Co.

April 26, 2017

Insurance Law, Injury & Tort Law

(United States First Circuit) - In an insurance dispute involving the issue of whether the plaintiff in a wrongful death action, who reached a settlement with the defendants and their primary insurance carrier, can recover the amount exceeding the primary policy limits from the defendants' excess insurer, the district court's grant of defendant's motion to dismiss, on grounds that the settlement agreement did not trigger the excess policy because the agreement was not accompanied by a court judgment, is affirmed on alternate grounds, where plaintiff has not presented a plausible argument that the settlement agreement triggered the excess insurer's duty to indemnify.

Pan Am Railways, Inc. v. US Dep't of Labor

April 21, 2017

Labor & Employment Law, Administrative Law

(United States First Circuit) - In a petition for review, in an underlying Federal Railroad Safety Act (FRSA) whistleblower retaliation action, of an agency decision resulting in the statutory maximum award of punitive damages against a railroad, the petition is denied where substantial evidence supported the ALJ's rejection of the railroad's affirmative defense and the ALJ's decision to impose punitive damages.