

Flaster Greenberg Insurance Attorney John G. Koch Quoted in Law360 Article (W.Va. Continuous Trigger Ruling Will Spur Allocation Fights)

Law360 Insurance Authority

November 17, 2023

Shane Dilworth

This article originally ran in Law360 Insurance Authority on November 17, 2023. All rights reserved. A subscription is required.

Insurance recovery attorney John G. Koch, a shareholder at Flaster Greenberg PC, told Law360 the Mountain State majority's decision is extremely important.

"What is established in other states was not established in West Virginia," he said, explaining that the adoption of the continuous trigger theory brings West Virginia in line with several other jurisdictions that have ruled that injury or property damage that takes many years or decades to manifest will trigger occurrence-based policies in force while the injury or damage was developing over time.

He also said the Mountain State high court majority made a point of documenting that no state has agreed that the manifestation theory applies to long-tail injury claims.

ATTORNEYS MENTIONED

John Koch