

## Asbestos Litigation Update: NY Senate Bill 7052 – The Comprehensive Insurance Disclosure Act

By **Robert G. Weller**

At the close of 2021, New York signed into law [Senate Bill 7052](#) – the “Comprehensive Insurance Disclosure Act (“CIDA”) – impacting defendants’ insurance disclosures in both pending and new litigation. Specifically, within sixty (60) days of filing its answer to the initial complaint, a defendant is now required to disclose/produce notice and proof of the existence and contents of any insurance agreement under which a judgment in the underlying action may be satisfied, including information/documentation related to the following:

- All primary, excess and umbrella policies, including applications for same;
- Copies of any policy and its declarations, insuring agreements, conditions, exclusions, endorsements, and similar provisions;
- Contact information for the claim’s adjuster(s);
- Amounts available under each policy to satisfy a judgment;
- Any lawsuits that reduced/eroded or may reduce/erode the insurance amounts available under the policies; and
- The amount of any attorney’s fees that may have reduced/eroded the face-value of the policies.

Further, defendants are under an on-going and continuous obligation to supplement its insurance disclosures within thirty (30) days of notice that its prior disclosure is no longer accurate. This on-going duty not only remains during the pendency of the underlying action, but it also extends to sixty (60) days after a settlement is reached, a judgment is entered (including appeals).

Finally, the CIDA requires that such disclosures be accompanied by two affidavits/affirmations – one from the defendant and another from its attorney(s) – attesting that: i) the insurance information contained therein is accurate and complete; ii) reasonable efforts were made in obtaining the disclosed insurance information; and iii) reasonable efforts will continue to be taken so that the information provided remains accurate and complete.