

Montana Joins Majority of Courts Holding That Insurers Must Establish Prejudice to Disclaim Coverage Based on an Insured's Late Notice

Risk and Recovery Blog on July 21, 2015

Joining a majority of states that have addressed the issue, the Montana Supreme Court recently held that “an insurer who does not receive timely notice required by the terms of an insurance policy must demonstrate prejudice from the lack of notice in order to avoid the obligation to provide defense and indemnification of the insured.” The case, *Atlantic Casualty Insurance Co. v. Greytak*, involved a policyholder that provided notice to its insurer over a year after receiving a letter notifying the policyholder of potential claims against it... [Continue Reading](#)