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- Perry M. Amsellem

Pryor Cashman Obtains Injunction For Its Client Staying AAA Arbitration Of Insurance Coverage Dispute

Pryor Cashman client Woodlark Properties IV, LLC (Woodlark) has obtained a preliminary injunction in the Circuit Court of Cabell County, West Virginia, staying the AAA arbitration of its insurance coverage dispute with James River Insurance Company (James River).

Woodlark moved to stay the arbitration commenced by James River on the grounds that the arbitration provision: (a) constituted an unconscionable limitation of Woodlark's rights to assert unfair settlement and bad faith claims against its carrier under West Virginia law; and (b) was neither discussed, bargained for, nor agreed to at the time the contract of insurance was executed.

The Circuit Court, despite a pending federal action commenced by James River to compel arbitration under the Federal Arbitration Act (which Woodlark has also moved to dismiss), enjoined the arbitration, finding that Woodlark had established both a likelihood of irreparable harm and of success on the merits. To read a copy of the decision dated April 28, 2008, please [click here](#).

Woodlark, an independent limited liability company, the managing member of which is a national real estate syndicator, was represented in the proceeding by Pryor Cashman litigation partner Perry M. Amsellem, assisted by associates Mark Tamoshunas, Suyin So, Anna Hutchinson and Jordan Paul.