

PUBLICATION UPDATE

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Goods in Transit

Publication 628

Release 59

November 2008

HIGHLIGHTS

Highlights from this release:

- **Chapter 3, *Connecting Carriage, Geographic Scope and Multimodal Transportation***, contains analysis of the draft Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea approved by UNCITRAL.
- **Chapter 11, *Damages***, contains completely revised examination of punitive damages.
- **Chapter 40, *Insurance***, discusses new discussion of workers' compensation, employer's liability, and American Insurance Exchanges.
- **Chapter 48, *Who Pays — Extent and Transfer of Risk***, looks at insurance clauses, the benefit of them in bills of lading and their effect upon policy.
- **Volume 7, *Appendix of Forms***, has been updated to include new forms.

Significant chapter revisions include:

Chapter 3, *Connecting Carriage, Geographic Scope and Multimodal Transportation*

tation: Chapter 3 contains a new section discussing the draft Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea., which was approved by the United Nations Commission on International Trade Law ("UNCITRAL") and will likely be presented to the U.N. in late 2008 (§ 3.16[3]).

Chapter 11, *Damages*: Chapter 11 contains updated examination of the burden of proof and calculation of damages, the amount of damage in the absence of limitation of liability, and other measures of damages for contamination of food and drug products; the discussion on punitive damages has been completely revised (§§ 11.01, 11.02, 11.04[5], 11.11).

Chapter 40, *Insurance*: Chapter 40 has new discussion dealing with workers' compensation and employer's liability, American Insurance Exchanges, and sources and references for insurance law (§§ 40.05, 40.10, 40.11).

Chapter 41, *Insurance Contracts*: Chapter 41 contains updated analysis of the application for insurance; binders, cover notes, debit notes, and receipts; as well as a new section on worker's compensation in-

insurance (§§ 41.03, 41.04, 41.10[3]).

Chapter 42, *Marine Insurance*: Chapter 42 has revised discussion of proximate cause, warranties, cargo insurance, exclusions in marine policies, protection and indemnity coverage (P. & I.), as well as the insurer's benefit of vessel owner's limitation of liability (§§ 42.05, 42.06, 42.08, 42.10, 42.13, 42.14).

Chapter 48, *Who Pays — Extent and Transfer of Risk*: Chapter 48 has been updated with revised analysis of insurance clauses, the benefit of insurance clauses in bills of lading and their effect upon policy, and the determination of the amount of loss in property and cargo insurance (§§ 48.07, 48.10, 48.12).

Chapter 49, *Rights and Duties of Parties to an Insurance Contract*: Chapter 49 provides updated discussion of the duty of the insured to cooperate with the insurer and the duty of the liability insurer to defend an action against its insured (§§ 49.05, 49.06).

Chapter 52, *Notice to Insurer and Proof of Loss Clauses*: Chapter 52 contains revised analysis of the effect of a breach of notice provision and to whom notice should be given (§§ 52.02, 52.04).

Chapter 54, *Litigation Involving Insurers*: Chapter 54 contains revised analysis of

direct actions against an insurance company and federal jurisdiction (§§ 54.05, 54.06).

For trade and transportation law attorneys, stay up to date with the latest offerings from LexisNexis:

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Goods in Transit

Publication 628 Release 59

November 2008

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- 2. This Release Number 59 contains only White Revision pages.
- 3. Circulate the "Publication Update" among those individuals interested in the contents of this release.

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For faster and easier filing, all references are to right-hand pages only.

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