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Supreme Court Will Not Review Armenian Genocide-Era Insurance Claims Case

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WASHINGTON—The U.S. Supreme Court, today, announced that it will not review a Ninth Circuit Court decision which struck down a California law extending the statute of limitations on Armenian Genocide-era insurance claims cases, reported the Armenian National Committee of America (ANCA).

The Supreme Court's decision not to review the case lets stand a lower court decision which effectively prevents U.S. citizens from pursuing redress for unpaid insurance claims by using the rarely invoked foreign affairs pre-emption doctrine. Plaintiffs challenged that assertion in a May 24th brief, filed by lead appellate attorney Igor Timofeyev, calling it "a revolutionary proposition [by the U.S. Government] that states lack all authority to enact legislation concerning their citizens' private claims if they originate in events that occurred abroad."

Plaintiffs' attorney and Armenian Americans groups expressed dismay about the Supreme Court decision and a commitment to continue efforts to secure justice for genocide-era victims and their heirs.

"Although we are disappointed the Court did not grant certiorari in this case, the proper scope of the foreign affairs preemption doctrine is an important issue that we believe the Court will end up examining in the future," explained plaintiffs' lead attorney Igor Timofeyev, Esq. of Paul Hastings LLP.

"The refusal of the Supreme Court to review the Ninth Circuit's decision does not mean Armenian Americans are without avenues of redress and we will not be deterred from pursuing what even the Solicitor General and lower courts have recognized as unremedied claims," explained ANCA Government Affairs Director Kate Nahapetian.

Bingham McCutcheon LLP partner David Balabanian made clear that "this case concerned the balance between federal and state authority in matters affecting foreign relations, not the propriety of recognition and redress for the evils visited upon Turkey's Armenians by the last Ottoman rulers and denied by their successors." Balabanian represented a series of human rights and public policy groups including the Armenian Bar Association, Armenian National Committee of America, Zoryan Institute for Contemporary Armenian Research and Documentation, Inc., Genocide Education Project, Jewish Alliance for Law and Social Action, Center for the Study of Law & Genocide, and the International Human Rights Clinic of the University of Southern California Gould School of Law in filing an amicus brief in support of plaintiffs position earlier in the process.

"Today, the Republic of Turkey was permitted to infringe upon and strike at the core of our States' principal foundations of enacting good laws and good aims," explained Garo Ghazarian, Esq. Chairman of the Armenian Bar Association.

The Armenian Genocide-era insurance claims case has traveled a long and complex legal path, which has included three separate and conflicting opinions from the Ninth Circuit Court of Appeals, the most recent on February 23, 2012. That decision struck down the California law extending the statute of limitations for certain life insurance claims based on an unprecedented expansion of the rarely invoked doctrine of foreign affairs field preemption. Defendant Munich Re, a German insurance company, is represented by Neil Soltman of Mayer Brown's Los Angeles office.

Plaintiffs' petition to the Supreme Court to hear the case was filed by Igor Timofeyev of Paul Hastings, LLP. Claims for unpaid life insurance policies dating back to the Armenian Genocide were first brought by plaintiffs' attorney Vartkes Yeghiayan. Attorneys who have been representing plaintiffs include Lee Crawford Boyd, Rajika Shah, Mark Geragos, and Brian Kabateck.

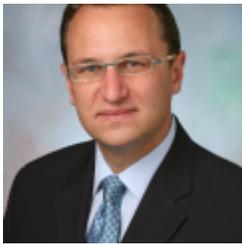
Among the parties supporting plaintiffs' appeal were California Attorney General Kamala Harris, who was joined by Nevada Attorney General Catherine Cortez Masto, Michigan Attorney General Bill

Schuetz, and Rhode Island Attorney General Peter Kilmartin. Attorneys General Mastro and Kilmartin had also joined Attorney General Harris on a previous amicus brief, when it was before the Ninth Circuit. Leading up to the filing, the ANCA had organized a citizen campaign to engage attorneys general from across the country about the importance of this case and defending Armenian-American property claims. An amicus brief also was filed by several federal and state legislators, including Congresswoman Jackie Speier (D-Calif.), who was a lead author of the California statute at issue when she was a California State Senator, Ranking Member of the House Foreign Affairs Committee Howard Berman (D-Calif.), Representatives David Cicilline (D-R.I.), Anna Eshoo (D-Calif.), Frank Pallone (D-N.J.), Ed Royce (R-Calif.), Adam Schiff (D-Calif.), and Brad Sherman (D-Calif.). Members of the legislature of the State of California who joined the brief were Senate President pro Tempore Darrell Steinberg, Majority Leader of the Assembly Charles Calderon (D-58), Senator Kevin de León (D-22), Assembly Members Katcho Achadjian (R-33), and Anthony Portantino (D-44).

A series of amicus briefs were filed in support of the plaintiffs' petition including a filing by U.S. Federal and State legislators, filed by attorneys Mary-Christine Sungaila and Seepan Parseghian at the firm of Snell and Willmer, LLP.

The complete set of filings can be viewed here. <http://www.anca.org/legal/insuranceclaims>

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