

## **Ninth Circuit Allows the Use of Term 'Armenian Genocide' in Statute of Limitations for Life Insurance Claims**

### ***Insurance Law Update***

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By: [Dirk Haarhoff](#)

### ***U.S. Court of Appeals for the Ninth Circuit***

In *Movsesian v. Victoria Versicherung AG*, \_\_\_F.3d\_\_\_, 2010 WL 5028828 (9th Cir. (Cal.) December 10, 2010), the Ninth Circuit Court of Appeals upheld California Code of Civil Procedure § 354.4 and ruled that there is no express federal policy forbidding states to use the term “Armenian Genocide.”

Section 354.4 extended the statute of limitations to 2010 for claims arising out of life insurance policies issued to “Armenian Genocide victim[s].” The defendants, German life insurance companies, argued that §354.4 conflicted with the executive branch’s policy prohibiting legislative recognition of an “Armenian Genocide,” as evidenced by three executive branch communications. The Ninth Circuit, however, found that these communications were counterbalanced, if not outweighed, by various statements from the federal executive and legislative branches in favor of such recognition. Specifically, the court pointed to several examples of the executive branch repeatedly using terms virtually indistinguishable from “Armenian Genocide,” with President Barack Obama even issuing a statement in 2009 employing the term “Meds Yeghern” – the term for “Armenian Genocide” in the Armenian language.

Given the number of expressions of federal executive and legislative support for recognition of an “Armenian Genocide,” the court concluded that there was no clear, express federal policy forbidding the state of California from using the term “Armenian Genocide.”

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