

# INTRODUCTION TO THE December 2025 EDITION

The December 2025 Edition of *Casualty Insurance Claims* includes a complete update of existing sections. A few highlights are:

- A person who signs a document is presumed to have done so with knowledge of its contents, regardless of whether the person actually read it. In the absence of any allegations of fraud, duress, or misconduct of an insurance agent, a person who signs a written insurance policy is presumed to know and understand what the person signs. § 10:5
- The Appellate Division of the New York Supreme Court, Fourth Department, explained that a plaintiff seeking to invalidate a release on the ground that it was not fairly and knowingly entered into must establish that the release was signed by the plaintiff under circumstances that indicate unfairness, or that it was not fairly and knowingly made. The court reasoned that the driver sufficiently alleged facts on which to invalidate the release on the ground of whether the release was fairly and knowingly entered into where the driver alleged that the driver signed the release a short time after the accident occurred; the driver is unable to fluently read, understand, or speak English; the driver did not understand the release; at the time the driver signed the release the driver did not have an attorney; the driver was not provided with an interpretation of the release; and the driver needed money for a vehicle in order to attend medical appointments. § 18:7
- Under Rhode Island law, to recover for unjust enrichment, a claimant must prove: (1) that the claimant conferred a benefit upon the party from whom relief is sought; (2) that the recipient appreciated the benefit; and (3) that the recipient accepted the benefit under such circumstances that it would be inequitable for the recipient to retain the benefit without paying the value thereof. § 53:5

This release is also updated with new Table of Contents, Table of Laws and Rules, Table of Cases, and Index to reflect these enhancements.

*Casualty Insurance Claims* can be accessed online on Thomson Reuters Westlaw.