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Liability Insurance and Reconstituted Families: Where Does the Court of Appeal Stand?

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In August 2009, the Court of Appeal issued a judgment in which it ruled on the following interesting practical issues relating to liability insurance:

What is the appropriate procedural vehicle for a liability insurer to exercise recourse against another insurer in situations where there is overlapping insurance?
Does the exception respecting members of the household of the insured (Article 2474 C.C.Q.) apply in respect of the liability insurer of the person who is liable for the damage and is a “member of the household of the insured”?
What intervention should be given to the expression “living under the same roof as the insured”?

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