



News

Scott Seaman Provides Analysis on California False Claims Coverage Action

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Hinshaw attorney Scott Seaman, a Chicago-based partner and co-chair of the firm's National Insurance Services Practice Group, provided comments on coverage issues under the California False Claims Act in a Law360 article. Home Depot seeks to have the United States Court of Appeals for the Ninth Circuit reverse the district court's determination that a media liability policy insurer had no duty to defend or indemnify it in connection with a whistleblower's lawsuit asserting that Office Depot overbilled public entities.

The dispute centers on the application of California Insurance Code Section 533, which precludes coverage for a policyholder's willful acts.

Seaman comments about the principle of fortuity and section 533. "Fortuity is the bedrock of liability insurance," Seaman said in the story. "Liability insurance covers only the fortuitous. Where coverage is found for the nonfortuitous, the concept of liability insurance is turned on its head."

Similarly, Seaman said, providing coverage for willful acts is "bad public policy."

To read the full article, visit the Law360 website: <https://www.law360.com/insurance/articles/973679>

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