



News

Scott Seaman Discusses Top Insurance Cases to Watch in the Second Half of 2021 With Law360

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Scott Seaman, the Chicago-based co-chair of Hinshaw's global Insurance Services Practice Group, discussed with *Law360* several of the potentially most impactful insurance cases being heard in courts in the second half of the year. His insights are featured in a *Law360* article titled "Insurance Cases to Watch in the 2nd Half of 2021."

Seaman first discussed *Neuro-Communication Services Inc. v. Cincinnati Insurance Co. et al.*, case no. 2021-0130, in which the Supreme Court of Ohio will decide whether the presence of the coronavirus causes physical loss or damage to property. Seaman believes that defendant insurance company is likely to prevail in the case but that the Court "likely took the case to provide guidance to litigants 'one way or the other' given the volume of COVID-19 coverage litigation."

He next addressed *BITCO General Insurance Corp. v. Monroe Guaranty Insurance Co.*, case no. 21-0232, in which the Supreme Court of Texas will consider whether "courts can use information outside a lawsuit's allegations and an insurance contract when deciding an insurer's duty to defend a client." Seaman explains that "it would be absurd" to allow parties to ignore or run from a stipulated fact when seeking to impose a defense obligation where coverage is sought based upon stipulated facts." But, he adds, "[i]t will be interesting . . . to see how the Texas Supreme Court decides the question in an insurer versus insurer battle[.]"

Last, Seaman provided his thoughts on *Yahoo Inc. v. National Union Fire Insurance Co. of Pittsburgh, Pa.*, case no. S253593, in which the California Supreme Court will decide whether state law supports liability insurance coverage for claims under the Telephone Consumer Protection Act (TCPA). The case involves the question of "whether coverage applies to a publication that disturbs the recipient's right to seclusion but doesn't reveal private information about the recipient to anyone else." Seaman believes that "[t]he decision could have implications beyond TCPA claims to biometric and cyber claims[.]"

[Read the full article on the Law360 website](#) (subscription may be required)

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