



News

Scott Seaman Discusses in Law360 an Illinois Appellate Emissions Ruling Favorable to Insurers

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Scott Seaman, the Chicago-based co-chair of Hinshaw's global Insurance Services Practice Group, discussed with *Law360* an Illinois appellate court decision involving coverage claims related to underlying suits for injuries allegedly caused by exposure to ethylene oxide. A three-judge panel of the state's Second District Court of Appeals found in a ruling handed down March 4 that the suits over ethylene oxide emissions from an Illinois facility were not covered since the discharges began before a September 2008 retroactive date in a pollution liability policy.

Seaman noted that "It turns out in this case the policyholder was like Humpty Dumpty because 'all of the king's horses and all the king's men' could not get around the allegations in the underlying complaints that the emissions first began before the retroactive date." Accordingly, the panel's ruling "represents a straight-forward application of unambiguous policy language and the 'four corners' or 'eight corners' standard for determining the duty to defend under Illinois law."

[Read the full *Law360* article](#) (*subscription required*)

"Ill. Emissions Ruling May Hamper Policyholders, Experts Say" was published by *Law360* on March 11, 2022.

Attorneys

Scott M. Seaman

Offices

Chicago