



News

Scott Seaman Analyzes an Ohio Supreme Court Coverage Ruling on \$305 Million Lead Paint Abatement

December 20, 2024

Scott Seaman, a partner and co-chair of Hinshaw's Insurance Services Group in Chicago, was recently featured in *Business Insurance*, discussing the implications of two Ohio Supreme Court coverage rulings.

Seaman discussed *Sherwin-Williams Co. v. Certain Underwriters at Lloyd's London et al.*, where the court overturned a lower court ruling requiring insurers to cover Sherwin-Williams' share of a \$305 million abatement fund set up in California to address the dangers caused by lead-based paint. Seaman commented:

The *Sherwin-Williams* decision should not have come as a surprise to astute observers as the Ohio Supreme Court made the same ruling with respect to opioids in its September 2022 ruling in *Acuity v. Masters Pharmaceuticals*.

The court correctly reasoned that a payment into an abatement fund was not to compensate individual plaintiffs for past harm but instead was made to eliminate future harm. Such payments are not covered under liability policies because they are not 'damages.'

[Read the full article.](#)

- ["Ohio Supreme Court's rulings bring mixed results for policyholders"](#) was published by *Business Insurance* on December 17, 2024.

Attorneys

Scott M. Seaman

Offices

Chicago