WALKER WILCOX
WALKER WILCOX MATOUSEK LLP



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OVERVIEW

Arthur McColgan has more than 30 years of experience counseling clients and arguing cases in state and federal courts across the country.

His practice focuses on litigation for insurance companies and corporate clients involved in complex coverage and business disputes. Insurers retain Arthur as coverage counsel in connection with professional liability claims, personal and advertising injury claims, first party property claims, mass tort claims, and long tail exposures. In addition, he has considerable experience in defending clients against statutory violation claims in individual and class action cases filed in state and federal courts. Arthur also assists clients in general commercial litigation matters and disputes, including breach of contract actions. Outside of the litigation context, Arthur provides counsel to insurer clients on coverage, claims handling, and bad faith issues in jurisdictions across the country.

Arthur has substantial experience in managing complex litigation. His clients value his strategic planning and organizational ability as lead counsel on cases involving multi-million-dollar exposures, enormous data sets, and copious depositions. Arthur has a proven record as a resolute but pragmatic negotiator in connection with dozens and dozens of intricate settlements achieved on behalf of his clients. He has extensive experience in resolving perplexing litigation through alternative dispute resolution mechanisms as well.

Arthur began practicing law due to his love of solving intellectually challenging legal issues. His passion for solving legal problems is as strong as ever and is most evident in the energy with which Arthur represents the interests of his clients in contentious litigation and in his counseling of clients to avoid costly disputes in the first instance. Arthur is chair of the firm's Pro Bono Committee and recently became Walker Wilcox's CEO.

FOCUS AREAS

- Appellate

- Bad Faith Litigation
- Commercial
- Cyber and Privacy Risks
- Directors and Officers
- First Party Property
- Insurance and Reinsurance
- Litigation
- Professional Liability/Errors & Omissions

CREDENTIALS

ADMISSIONS

- Illinois
- Massachusetts
- New York
- U.S. District Court, C.D. Illinois
- U.S. District Court, N.D. Illinois
- U.S. Court of Appeals for the 2nd Circuit
- U.S. Court of Appeals for the 3rd Circuit
- U.S. Court of Appeals for the 6th Circuit
- U.S. Court of Appeals for the 7th Circuit
- U.S. Court of Appeals for the 9th Circuit

EDUCATION

- University of Notre Dame, J.D.
- University of Notre Dame, B.A.

EXPERIENCE

NOTABLE DECISIONS

- Defended financial services company in connection with two separate putative class actions alleging violations of Telephone Consumer Protection Act (TCPA) and Illinois Telephone Dialers Act;
- Obtained summary judgment dismissal for an insurer in Ohio coverage litigation relating to underlying $13M wrongful death judgment; successfully briefed and argued case to the USCA for the Sixth Circuit;
- Defending property management company in connection with putative class action alleging violations of Illinois Condominium Property Act and Illinois Consumer Fraud and Deceptive Business Practices Act; continuing to represent company in Plaintiff's appeal of our successful motions to dismiss the claims at issue;
- Defended insurer in connection with Connecticut asbestos coverage litigation;

- Represented property management company in putative class action asserting violations of Illinois Condominium Property Act and Consumer Fraud and Deceptive Business Practices Act;
- Represented insurer and successfully resolved action seeking declaratory judgment and asserting breach of contract and bad faith relating to $12M underlying settlement arising from alleged violation of California Investigative Consumer Reporting Agencies Act;
- Representing global relocation services company in separate actions in connection with alleged disclosure obligations;
- Represented foreign insurers in connection with coverage issues arising from alleged crop failures and deficiencies;
- Represented insurer in connection with underlying Massachusetts legal malpractice claims;
- Represented insurer and successfully resolved coverage action related to underlying putative class action asserting derivative claims against directors and officers;
- Represented insurer in connection with coverage claims related to underlying West Virginia opioid-related litigation;
- Represented foreign insurer in connection with underlying California litigation alleging TPCA liability;
- Defended insurer and successfully resolved Indiana action alleging failure to pay defense costs to insurance pooling agency;
- Represented and obtained voluntary dismissal with prejudice for technology company in connection with putative class action alleging violations of Illinois Biometric Information Privacy Act (BIPA);
- Obtained dismissal with prejudice of property management company from putative class action alleging Illinois Condo Act and Consumer Fraud Act violations; successfully briefed and argued appeal before the USCA for the Seventh Circuit;
- Successfully resolved arbitration action against insurer arising out of underlying putative class action asserting violations of TPCA;
- Assisted insurer in connection with coverage claims arising out of mass shooting incident;
- Assisted pharmaceutical company with evaluation and analysis of litigation relating to alleged breach of distribution agreement and possible legal malpractice claim;
- Obtained summary judgment dismissal of claims against insurer for contribution to settlement of underlying property claim based on statute of limitations; successfully briefed and argued appeal to Illinois First District Appellate Court;
- Successfully represented property management company in defeating motion for TRO;
- Assisted insurer with evaluation and coverage analysis related to underlying patent infringement and misappropriation of trade secret claims;
- Assisted insurer in connection with evaluation of underlying sex abuse claims;
- Successfully resolved litigation against foreign and domestic pharmaceutical company clients in connection with breach of contract claims relating to patent work;
- Successfully represented foreign insurer in Pennsylvania action resulting in insured's agreement to withdraw tender of defense/request for coverage and insured's agreement as to non-coverage with respect to underlying asbestos suit;

- Successfully represented financial services company in resolving Tennessee putative class action alleging violations of TCPA;
- Obtained dismissal with prejudice for a real estate agent in connection with alleged violations of Real Estate Licensing Act;
- Assisted foreign insurers in evaluating and resolving underlying Missouri class action alleging violations of TCPA;
- Represented foreign insurers in connection with over 50 claims alleging pandemic related business interruption damages under first party property insurance policies;
- Obtained dismissal of insurer with prejudice from New York suit alleging coverage for underlying $8M TCPA class action consent judgment/settlement; represented insurer in appeal to the USCA for the Second Circuit which Plaintiff ultimately dropped;
- Represented domestic and foreign insurers in connection with underlying class actions and claims involving Fair Credit Reporting Act (FCRA); Fair and Accurate Credit Transactions Act (FACTA); and Fair Debt Collection Practices Act (FDCPA);
- Assisted insurers in evaluating exposures arising out of data breach claims;
- Successfully resolved foreign insurer's involvement in claims stemming from 72 underlying class or multi-plaintiff product liability actions with total alleged exposure of $1.5 billion;
- Represented foreign insurers in asbestos coverage litigation and arbitration and obtained favorable rulings with respect to insurers' obligations to asbestos trust;
- Successfully resolved insurer's potential exposure arising out of malpractice claim involving underlying patent claims;
- Assisted insurers in evaluating antitrust claims brought against dozens of health care industry insureds in Alabama;
- Successfully resolved corporate client's involvement in putative class action arising out of real estate transactions;
- Successfully resolved coverage claims against insurers in connection with underlying advanced medical technology claims;
- Successfully resolved coverage litigation involving insurers in connection with trademark claims;
- Assisted foreign insurer in evaluating potential exposures arising out of zip-lining accident;
- Successfully resolved foreign insurers' involvement in multi-hundred-million-dollar California coverage action with energy sector insured relating to more than 10,000 alleged pollution, asbestos, and toxic tort claims.
- Successfully resolved 100+ actions and claims against insurers involving underlying class actions allegedly asserting personal and advertising injury claims;
- Successfully obtained dismissal of foreign insurers in connection with pollution coverage litigation brought by global manufacturer and marketer of consumer products with respect to sites across country;
- Successfully resolved foreign insurers' involvement in New Jersey pollution coverage litigation with manufacturer of petroleum and industrial equipment, electrical products, electrical power equipment, automotive products, tools, and hardware;

- Successfully resolved coverage claims and litigation against foreign insurers for claims involving copper theft, arson, and plant explosions;
- Successfully resolved foreign insurers' involvement in litigation and threatened litigation with respect to significant hail coverage claims;

ACCOLADES

- Arthur is AV-Rated by Martindale-Hubbell
- Named Illinois "Super Lawyer" for years 2012 through 2026

AFFILIATIONS

Professional:

- Defense Research Institute
- Litigation Counsel of America – Fellow
- Professional Liability Underwriting Society

Community:

- Chair of Walker Wilcox Pro Bono Committee

NEWS

- Walker Wilcox Wins Dismissal of Putative Class Action Against Property Management Company
- Walker Wilcox Wins Dismissal of Coverage Case Arising From TCPA Class Action
- Illinois Supreme Court Finds TCPA is Remedial and Not Punitive
- N.D. of Ohio Holds Unsolicited Communications Exclusion Bars Coverage For TCPA Violations