

## WALKER WILCOX SUCCESSFULLY REPRESENTS INSURER IN BAD-FAITH ACTION ALLEGING FAILURE TO SETTLE

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Walker Wilcox attorneys Robert P. Conlon, Christopher A. Wadley, and Ryan J. Rodman successfully represented RSUI Indemnity Company before the United States Court of Appeals for the Seventh Circuit in a lawsuit alleging that RSUI failed, in bad faith, to settle an underlying claim. In the lawsuit, West Side Salvage, Inc. alleged that RSUI breached a duty to settle an underlying lawsuit arising out of a grain bin explosion at a ConAgra facility in Chester, Illinois. In response, RSUI argued that it did not breach a duty to settle because either the claim was not covered or, even if covered, it did not act in bad faith. The trial court entered summary judgment in RSUI's favor, concluding that the claim was covered, but that RSUI did not act in bad faith as a matter of law. The Seventh Circuit affirmed. The court concluded that the claim was excluded from coverage under the policy's exclusion for damage to property on which the insured was performing operations. Accordingly, the court held that RSUI did not breach a duty to settle. *West Side Salvage, Inc. v. RSUI Indem. Co.*, No. 16-3928 (7<sup>th</sup> Cir. Dec. 18, 2017).