

WALKER WILCOX OBTAINS DISMISSAL OF COVERAGE AND BAD-FAITH ACTION ARISING OUT OF MALICIOUS PROSECUTION CLAIM

Walker Wilcox Attorney Christopher A. Wadley successfully obtained the dismissal of an insurance coverage and bad-faith lawsuit against Illinois Union Insurance Company, which arose out of an underlying malicious prosecution lawsuit filed by Rodell Sanders against The City of Chicago Heights. Sanders was arrested in 1994 and convicted of murder, attempted murder, and armed robbery. More than a decade later, Sanders was granted a new trial and acquitted of all charges. Sanders then sued Chicago Heights for malicious prosecution. Chicago Heights sought coverage under a liability policy it had purchased from Illinois Union, which was in effect when Sanders was acquitted. Illinois Union denied coverage on the grounds that the alleged offense of malicious prosecution did not occur during the policy period, as required to trigger coverage. Sanders and Chicago Heights subsequently settled Sanders's claim for \$15 million, and they jointly sued Illinois Union for coverage and bad faith. The court, however, dismissed the complaint, agreeing with Illinois Union that the claim was not covered. In doing so, the court held that the offense of malicious prosecution occurred, for purposes of insurance coverage, when the charges were initially filed against Sanders, rather than when he was exonerated. *Sanders v. Illinois Union Ins. Co.*, No. 16 CH 2605 (Ill. Cir. Ct., Cook Cnty., Jan. 2, 2018). [Click here for PDF.](#)