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WALKER WILCOX WINS APPEAL IN ILLINOIS' FIFTH DISTRICT

On April 8, 2021, Walker Wilcox attorneys won an appeal on behalf of their client, RSUI Indemnity Company, in Illinois Fifth District Court of Appeals in *Freeburg Community Consolidated School Dist. No. 70 v. RSUI Indem. Co., et al.*, 2021 IL App (5th) 190098 (Apr. 8, 2021).

The ruling reversed the decisions of a lower court, which had found that RSUI had a duty to defend and indemnify the District for a lawsuit filed by a former student, styled *Doe 4 v. Freeburg Community Consolidated School District No. 70, et al.*, No. 3:14-cv-00674 (S.D. Ill. June 11, 2014) ("*Doe* 4 Action"). The District brought a declaratory judgment action seeking coverage for the *Doe* 4 Action under RSUI's directors & officers insurance policy, as well as its commercial general liability policy. The *Doe* 4 Action was the fourth such lawsuit filed against the District and former school board members, alleging negligent supervision claims arising out of sexual abuse purportedly committed by the District's former superintendent. RSUI moved to dismiss the complaint, arguing that the suit was a "related claim" to the three previous suits, all of which were filed before the policy's coverage period.

The trial court denied the motion to dismiss, and after several cross-motions on coverage, the trial court ultimately determined that RSUI had a duty to defend and indemnify the District for a settlement that was eventually reached in the *Doe* 4 Action. RSUI at all times maintained that the underlying suit was not a "claim" first made within its policy period, based on the "related claims" provision, and appealed the trial court's decisions.

The Fifth District reversed, finding that RSUI appropriately considered the three prior lawsuits when making its determination that it had no duty to defend. The Fifth District went on to find that the "related claims" provision was unambiguous, and the trial court should have granted RSUI's initial motion to dismiss, with prejudice, remanding the case with instructions.

RSUI was represented by the Walker Wilcox team of Cassandra Jones, Neil Holmen, and Eric Blanchard.