

# Scott Seaman Discusses Pennsylvania Supreme Court Decision Finding Duty to Defend in Personal Injury Case

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Hinshaw attorney Scott Seaman, a Chicago-based partner and co-chair of the firm’s global Insurance Services Practice Group, was quoted by Jeff Sistrunk of *Law360* in an article titled, “Pa. Shooting Case Ruling May Widen Insurers’ Defense Duty.” The article discusses a 4-3 opinion issued by the Pennsylvania Supreme Court that affirmed a ruling that Erie Insurance Exchange must defend a personal injury case brought by a man who was shot after he walked in on an Erie policyholder’s murder-suicide. The majority concluded that in a four-corner review of the complaint, it is possible the gunfire that wounded the plaintiff was an accidental occurrence, and thus a duty to defend attached.

Attorneys representing insurers, including Seaman, suggested the dissenting justices got it right when they “averred that the ‘discharge of a weapon during a physical altercation initiated by the insured, while the insured is holding a firearm, is the type of harm specifically excluded under’ Erie’s policies and others like them.”

“The majority was focused on whether the injury was ‘unintentional,’ but to be an ‘occurrence’ the injury must also pass the lower bar of also being ‘unexpected,’” said Seaman. He added that “the four-corner test should not be applied in a manner that leaves common sense at the door. The complaint does not allege and cannot be fairly read to infer that the murderer invited the claimant in for a cup of coffee.”

[Read the full article on the \*Law360\* website](#) (subscription required)

“Pa. Shooting Case Ruling May Widen Insurers’ Defense Duty,” was published by *Law360* on April 28, 2020.

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