

Scott Seaman Discusses the Top General Liability Cases of 2022 and Cases to Watch in 2023

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Scott Seaman—Chicago-based partner and co-chair of Hinshaw’s global Insurance Services Practice Group—went around the horn in two *Law360* articles, discussing both the most influential general liability rulings of 2022 and cases to watch in 2023.

Seaman discussed an Illinois appellate court’s decision to uphold a ruling in favor of insurers in a coverage dispute regarding claims that the sterilizing agent ethylene oxide, or EtO, caused injuries. Seaman approved of the panel’s decision, noting that the emissions at the heart of the complaints had been occurring since 1994. He also said the case “illustrates the lengths to which policyholders and claimants will go to attempt to implicate insurance coverage.”

Seaman also addressed a “triple-crown” of 2022 opioid coverage disputes in Delaware, Ohio, and California federal courts, which ruled in favor of insurers. “The Supreme Courts of Delaware and Ohio both recognized a fundamental principle that general liability policies generally do not cover economic loss and backed the right horse in those cases,” he said.

Opioid coverage disputes will continue in 2023. Seaman cautions that underlying opioid litigation has created “social inflation” trends affecting policyholders and carriers alike. “The first [trend] is plaintiffs’ use of public nuisance as a super tort,” he stated. “The second is the growing involvement and pursuit of civil litigation by government entities.”

Read [“Top General Liability Insurance Rulings Of 2022”](#) (*subscription required*)

Read [“General Liability Insurance Cases To Watch In 2023”](#) (*subscription required*)

“Top General Liability Insurance Rulings Of 2022” and “General Liability Insurance Cases To Watch In 2023” were published by *Law360 Insurance Authority* on January 2, 2023.

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