

Scott Seaman Says Walmart Ruling is an “Aberration” in the Opioid Insurance Battle

In *Law360 Insurance Authority*

In The News | 1 min read

Oct 21, 2026

Hinshaw partner Scott Seaman was quoted in a *Law360 Insurance Authority* report reviewing a recent Arkansas Court of Appeals duty-to-defend decision related to insurance coverage for opioid-related lawsuits against Walmart.

Case Background

On October 7, a three-judge panel ruled that Walmart’s insurers must defend the retailer against underlying suits alleging that Walmart’s sale of prescription painkillers contributed to the opioid epidemic.

The panel also held that an excess insurer cannot force Walmart to arbitrate the coverage dispute. Policyholder attorneys have described the ruling as a potential new path to coverage. Scott cautioned against reading too much into the decision.

Insurers Continue to Prevail in Majority of Opioid Coverage Litigation

“Too much should not be read into the decision,” he said. “In some ways, the case is somewhat of an aberration, as insurers have prevailed in the majority of decisions throughout the country in opioids coverage litigation.”

Scott pointed to the larger body of case law that favors insurers. This includes the Delaware Supreme Court’s decisions in the Rite Aid and CVS coverage disputes, a 2022 Ohio Supreme Court decision, a 2024 Ninth Circuit decision, and a July 2026 ruling from the Missouri Court of Appeals. Each of those courts found in favor of insurers on opioid-related coverage questions.

The Opioid Coverage Battle Continues

Scott also noted that the issue is not settled. “Overall, insurers have done well, but there are multiple pending cases, and the final scorecard has yet to be filled out for the opioids coverage litigation,” he said.

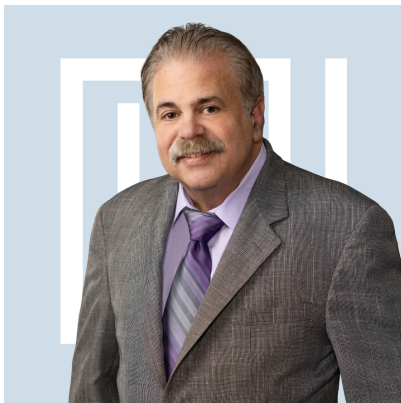
Pending matters include questions the Eleventh Circuit referred to the Georgia and Florida supreme courts in June. The questions center on whether carriers for Publix Super Markets, Inc., and a Georgia-based generic-drug wholesaler owe coverage for underlying opioid-distribution litigation.

[Read the full article](#)

- *Law360 Insurance Authority*: “[Insureds Bag Winning Framework In Walmart Opioid Ruling](#)” (October 15, 2026)

Hinshaw & Culbertson LLP is a U.S.-based law firm with offices nationwide. The firm’s national reputation spans the insurance industry, the financial services sector, professional services, and other highly regulated industries. Hinshaw provides holistic legal solutions—from litigation and dispute resolution, and business advisory and transactional services, to regulatory compliance—for clients of all sizes. Visit www.hinshawlaw.com for more information and follow @Hinshaw on LinkedIn and X.

Related People



Scott M. Seaman

Partner

📞 312-704-3699

Related Capabilities

Healthcare

Insurance

Insurance Coverage Litigation & Counseling

Insurance Regulatory & Compliance

Related Locations

Chicago

Related Insights

Scott Seaman Discusses Google's Coverage Battle Over Social Media Addiction Claims

Tags

Complex Casualty & Long-Tail Coverage Claims