

Scott Seaman Quoted in Law360 regarding Nevada High Court Adoption of Minority View that a Breaching Insurer's Liability is Not Capped

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Hinshaw attorney Scott Seaman, a Chicago-based partner and co-chair of the firm's national Insurance Services Practice Group, was quoted by Jeff Sistrunk of *Law360* in an article titled "Nev. Defense Breach Ruling to Tee Up Damages Battles." The article reviews a Nevada Supreme Court decision late last week that adopted the minority view that damages for an insurer's breach of its duty to defend a policyholder are not "automatically limited" to the amount of the policy limits, but rather depend on the facts of the case. Under this approach, the damages total may include consequential damages. The insured would be required to show that the breach caused the excess judgment and is obligated to take "all reasonable means to protect himself and mitigate his damages."

According to Seaman, "obtaining counsel to defend itself, actually defending the case, avoiding default judgments when on notice of an action, and not entering into stipulated judgments generally should constitute reasonable steps an insured must take to avoid excess judgments and mitigate damages."

[Read the full article on the Law360 website](#) (subscription may be required)

"Nev. Defense Breach Ruling to Tee Up Damages Battles"

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Scott M. Seaman

Partner

 312-704-3699

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