



David T. Brown

Overview

David T. Brown represents clients in all aspects of insurance coverage representation, including coverage analysis, monitoring services, and litigation of coverage and bad faith claims exposures. Mr. Brown also engages in commercial, professional liability, and general liability litigation defense on behalf of private companies. He also serves as chair of the firm's Cyber Coverage Practice Group.

Mr. Brown's insurance coverage practice includes representation of insurers on issues inclusive of commercial crime, fidelity bond, technology, media and cyber liability, commercial general liability (including construction defect and additional insured tenders), errors and omissions, directors and officers liability, architects and engineers liability, municipality insurance, pooling arrangements, and legal and medical malpractice liability. His defense practice includes defense of professionals, directors and officers.

Mr. Brown also handles all phases of first-party property and business interruption coverage issues nationwide, including claims related to COVID-19 and other CAT events. His past experience also includes serving as national counsel for insurers to assist in creating a consistent approach to handling these claims.

Mr. Brown employs a "big-picture" view of legal issues to realize cost and time-effective solutions. He considers all reasonable strategies for achieving his clients' goals, including the use of alternative dispute resolution strategies in lieu of litigation when appropriate. Mr. Brown also has an extensive and proven record of litigating disputes to judgment when that is in the best interests of his clients. Mr. Brown has been recognized on *The Best Lawyers in America* and *SuperLawyers "Rising Stars"* lists for insurance coverage law and is a frequent author and speaker on insurance coverage matters.

Admissions

- Illinois
- Iowa
- Seventh Circuit Court of Appeals
- U.S. District Court
 - Northern District of Illinois
 - Southern District of Illinois
 - Northern District of Indiana
 - Eastern District of Michigan



Co-Managing Partner of Chicago Office
Chair of Cyber Coverage Practice Group

Contact Information

30 N. LaSalle Street, Suite 1700
Chicago, IL 60602

Email: dbrown@kaufmandolowich.com

Main: (312) 759-1400

Direct: (312) 646-6743

Cell: (773) 914-9444

Fax: (312) 896-9403

Related Practices

- Insurance Coverage & Litigation
- Bad Faith Litigation
- General Liability Coverage
- First-Party Property/Business Interruption
- Data Privacy & Cybersecurity
- Data Privacy
- Cybersecurity
- Directors & Officers Liability
- Products Liability
- Fidelity and Crime
- Directors and Officers (D&O)
- Architects and Engineers
- Regulatory Defense and Counseling
- First-Party and Third-Party Claims for Property Damage

Education

- University of Iowa College of Law – J.D.
- University of Iowa – B.B.A.

Professional Memberships

- American Bar Association

Experience

Representative Matters

- *Atain Specialty Ins. Co. v. Watson*, 95 F.4th 541 (7th Cir. 2024) (finding no coverage under policy's auto exclusion on multi-million dollar judgment against insured)
- *Honey Wheels LV-2022-CV-000275* (D.Ct. Kansas Oct. 4, 2023) (obtained judgment in favor of insurer enforcing auto exclusion in relation to fatal accident involving auto incident that did not involve the insured's use or ownership of auto in \$9 million bad faith claim)
- *NG Investments, LLC, et al. v. Atain Specialty Insurance Company*, No. 21-2992, 2022 WL 17291893 (3d Cir. Nov. 29, 2022) (affirming summary judgment, ruling collapse exclusion precluded coverage and exception to exclusion was not satisfied by insured).
- *Atain Specialty Ins. Co. v. Sandwich Fair Association, Inc.*, No. 1:19-cv-05210 (N.D. Ill. Oct. 20, 2021) (obtained summary judgment in favor of insurer barring coverage for injuries incurred at drag racing event under commercial general liability events policy)
- *Lendlease (US) Constr., Inc. v. Nat'l Fire Ins. Co. of Hartford*, 2022 WL 2339420 (D.S.C. June 27, 2022) (summary judgment granted finding general contractor was not additional insured and claims barred by continuous and progressive injury limitation)
- *3644 13th Street NW, LLC v. Atain Spec. Ins. Co.*, 2022 WL 111245 (D.D.C. Jan. 12, 2022) (summary judgment finding no duty to defend insured for claims by adjoining property owners under policy's designated premises endorsement).
- *"Atain Spec. Ins. Co. v. Carolina Prof'l Builders, LLC*, No. 2:18-cv-2352-BHH, 2020 WL 5877143 (D.S.C. Oct. 2, 2020) (summary judgment finding insurer had no duty to defend or indemnify general contractor on a \$3.9 million construction defect claim on an issue of first impression in SC regarding the policy's continuous or progressive injury limitation endorsement).
- *Atain Ins. Co. v. Xcapes*, No. 2:19-CV-05346, 2020 WL 4196004 (E.D. Pa. July 20, 2020) (obtained a ruling of no duty to defend or indemnify insured in underlying lawsuit alleging faulty workmanship and related, foreseeable damages arising therefrom).
- *Atain Spec. Ins. Co. v. Boston Rickshaw, LLC*, 387 F. Supp. 3d 157 (D. Mass. 2019) (obtained ruling that Auto Exclusion applied to an incident involving the insured's pedicab, when it was struck by an auto that was not in any way related to the insured)
- *Atain Ins. Co. v. E. Coast Bus. Fire*, No. 17-2545, 2018 U.S. Dist. LEXIS 15535 (E.D. Pa. Jan. 31, 2018) (granting insurer's motion for judgment on the pleadings, declaring no duty to defend or indemnify the insured for claims of negligence, negligence misrepresentation and unjust enrichment because the claims were not an "occurrence" given all duties and breaches arise from contractual obligations).

- *Atain Specialty Ins. Co. v. Greer*, 2016 WL 1569892 (S.D.Ill. April 19, 2016) – Obtained judgment in favor of insurer client on limits of liability exposure, enforcing policy exclusion.
- *NG Investments, LLC, et al. v. Atain Specialty Insurance Company*, No. 21-2992, 2022 WL 17291893 (3d Cir. Nov. 29, 2022) (affirming summary judgment, ruling collapse exclusion precluded coverage and exception to exclusion was not satisfied by insured).
- *National Collegiate Athletic Ass'n v. Ace American Ins., et al.*, 151 N.E.3d 754 (Ind. Ct. App. 2020), trans denied, 2021 WL 1095467 (Ind. March 21, 2021) (obtained and defended summary judgment through state supreme court appeal in favor of insurer client on issue of relation of antitrust claims filed against the NCAA eight years apart, barring coverage for client's full exposure on \$45 million insurance tower).
- *Atain Specialty Ins. Co. v. Carolina Prof'l Builders, LLC*, 2020 WL 5877143 (D.S.C. Oc. 2, 2020) (confirming lack of coverage for construction defect based upon continuous and progressive injury limitation).
- *Atain Ins. Co. v. Xcapes*, No. 2:19-CV-05346, 2020 WL 4196004 (E.D. Pa. July 20, 2020) (obtained a ruling of no duty to defend or indemnify insured in underlying lawsuit alleging faulty workmanship and related, foreseeable damages arising therefrom).
- *Atain Ins. Co. v. Lesser*, No. 2:19-CV-05346, 2020 WL 919698 (E.D. Pa. Feb. 25, 2020) (successfully defeated underlying plaintiff motion to intervene as of right or permissively in a CGL coverage dispute).
- *Atain Ins. Co. v. E. Coast Bus. Fire*, No. 17-2545, 2018 U.S. Dist. LEXIS 15535 (E.D. Pa. Jan. 31, 2018) (granting insurer's motion for judgment on the pleadings, declaring no duty to defend or indemnify the insured for claims of negligence, negligence misrepresentation and unjust enrichment because the claims were not an "occurrence" given all duties and breaches arise from contractual obligations).
- *Atain Specialty Ins. Co. v. Greer*, 2016 WL 1569892 (S.D.Ill. April 19, 2016) - Obtained judgment in favor of insurer client on limits of liability exposure, enforcing policy exclusion.
- *Taylor, Bean & Whitaker Mort. Corp. v. Certain Underwriters at Lloyd's London, et al.*, Case No. 3:10-ap-00243, U.S. Bankruptcy Court, Middle District of Florida - Obtained multiple judgments in favor of insurer client on multiple claims for fidelity bond coverage relating to alleged \$1 billion fraud loss.
- *Nancy Bartkowiak v. Underwriters at Lloyd's, London*, Case No. 2012-CH-39995, Circuit Court of Cook County, Illinois - Obtained judgment in favor of insurer client defeating estoppel and bad faith claim seeking over \$4 million in excess of policy limits. The decision was later upheld on appeal at *Bartkowiak v. Underwriters*, 2015 IL App (1st) 133549 (1st Dist. 2015).
- *Atain Specialty Ins. Co. v. Chouteau Prop. Man. Inc.*, 2014 WL 1759060 (S.D.Ill. May 2, 2014) - Obtained judgment in favor of insurer client on limits of liability exposure, enforcing policy exclusion.
- *Perfect Choice Exteriors, LLC v. Better Business Bureau of Central Illinois, Inc.*, Case No. 14 L 329, Tenth Judicial Circuit, Illinois - Obtained dismissal with prejudice of defamation claim against a non-profit client.
- Represented insurer client in insurance coverage litigation on large scale construction development disputes involving additional insured and CGL insuring agreement defenses and resolved claims for fraction of amount

sought.

- Represent insurer clients in insurance coverage litigation on employment practices liability, D&O, professional liability and media liability coverage involving exposures of several million dollars.
- Represent insurer clients, conducting investigations and advocating coverage regarding fidelity and crime coverage disputes involving employee dishonesty, computer fraud and social engineering schemes.
- Representing private company client in litigation against claims deriving from non-compete provisions.
- Representing multiple professionals and private companies in litigation against malpractice and general bodily injury claims.

Awards

Recognition

- Recognized in *The Best Lawyers in America®*, Insurance Law, 2024, 2023, 2022
- *Super Lawyers Rising Stars*, Insurance Coverage (2012)

Publications

- *Ill. Justices' BIPA Rulings Create Headaches For Insurers*, Law 360 Insurance Authority, quoted David Brown, Esq., 2-24-2023
- *Exclusion Bars Coverage For Man's Injuries From Drag Race*, Law360, October 20, 2021, David Brown, Jamie Hull
- *KD Alert: Illinois Supreme Court Issues Watershed Six Flags Illinois "BIPA" Decision Allowing Claims for Technical Violations of Act*

News

- *Chicago Team of Kaufman Dolowich, LLP Has Moved into a New Office Space*
- *Exclusion Bars Coverage For Man's Injuries From Drag Race*, Law360, October 20, 2021, David Brown, Jamie Hull
- *KD Alert: Illinois Legislature Considers Codification of the Independent Counsel Doctrine in Illinois*