



Exclusion Bars Coverage For Man's Injuries From Drag Race, Law360, October 20, 2021, David Brown, Jamie Hull

An Illinois federal judge cleared Atain Specialty Insurance Co. from covering a suit against a drag race organizer brought by a man who was struck by a vehicle participating in a race, finding the policy's event-participation exclusion was applicable. While the exclusion in the policy, which was provided to organizer Brian Fatlz, defines "any person" broadly, a closer reading revealed that it only applied to individuals in the activity area, U.S. District Judge Iain D. Johnston said.

"Thus, far from excluding every attendant at the event, the exclusion unambiguously precludes coverage for individuals that decide to venture onto the drag racing track, and thereby suffer bodily harm," the judge wrote.

Video and photographic evidence also showed that Edward Oldaker was in the activity area when the incident occurred, thus supporting the application of the exclusion, Judge Johnston said. Under Illinois law, the judge was not required to address Atain's arguments that the mobile equipment and employer's liability exclusions in the commercial general liability policy also relieved it from its coverage obligations. See the full article at link below