



Ill. Justices' BIPA Rulings Create Headaches For Insurers, Law 360 Insurance Authority, quoted David Brown, Esq., 2-24-2023

By Daniel Tay

*Two Illinois Supreme Court rulings this month expanding the potential for colossal damages awards under the state's biometric privacy law will drastically increase insurers' potential exposure and likely trigger a new wave of coverage litigation, attorneys for insurers and policyholders say. **(Subscribers: click Read More below for full article)***

*"You're starting to get into some potentially unwieldy class sizes, which puts a lot of pressure on the market in terms of settlement values," said **David Brown, co-chair of the cyber coverage practice group at Kaufman Dolowich Voluck**. "In some instances, there has to be some consideration of whether insurers are going to be willing to cover this type of exposure."...Such a situation "could push the exposure back on to the insured," Kaufman Dolowich's **Brown** said, adding that this assumes that a CGL insurer agrees in the first place that the policy will respond to a BIPA claim..."I would like for my clients to have a more stable interpretation of the statute clarified by the Legislature, both as to the statute of limitations and as to the intent behind liquidated damages for each violation," **Brown** said.*