

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.