



Ellen J. Zabinski is a partner who focuses her practice on insurance coverage matters. Ellen defends numerous insurers involved in complex insurance coverage litigation pending throughout the country in both state and federal courts. These actions involve a wide variety of claims, including product liability, environmental pollution liability, and toxic tort liability. In addition, she has participated in numerous mediations and arbitrations involving insurance coverage issues.

She also analyzes and counsels clients on a variety of insurance coverage issues present in general liability policies, including umbrella and excess policies, professional liability policies, railroad protective policies, cyber and privacy liability policies, and reinsurance treaties.

She further advises clients on novel and complex insurance coverage issues that arise under a variety of claims such as products liability, product recalls, environmental damage, property damage, pharmaceutical products, mass tort, repetitive stress, transportation, reinsurance, cyber and privacy liability policies, and professional liability.

#### PUBLICATIONS

Co-editor for 10 years of "The Policy," a quarterly newsletter of the Illinois State Bar Association's Section on Insurance Law.

Environmental Coverage Summary : 2013," 28 Mealey's Litigation Report: Insurance, No. 8 (Dec. 18, 2013) Read more and download full report.

#### REPRESENTATIVE MATTERS

*Mid-American Energy v. Certain Underwriters at Lloyd's London*, CL 107142, 24-8 Mealey's Poll. Lia. Rep. 16 (Iowa Dist., 5th Dist. 2011) Pro-rata allocation used to allocate damages from long term contamination at former manufactured gas plant sites.

*John Crane Co. v. Admiral Ins. Co.* (Ill. Cir. Ct. 2004-2011) Asbestos coverage action involving two trials and three appeals which resulted in a complete victory for the insurers on issues of allocation, coverage for defense costs, and exhaustion of primary limits.

*John Crane Inc. v. Admiral Ins. Co.*, 910 N.E.2d 1168 (Ill. App. Ct. 2009) Affirming ruling in favor of insurers on preliminary injunction against insured for harassing and oppressive conduct.

*GenCorp Inc. v. AIU*, 297 F. Supp. 995 (N.D. Ohio 2003), aff'd, 138 Fed. Appx. 732 (6th Cir. 2005) First "all sums" decision to mandate full settlement credit of underlying policy limits in allocation matter.

*Wurster v. Riverport R.R., LLC*, 2003 WL 22709900 (N.D. Ill. November 7, 2003) Dismissal of FELA action due to lack of subject matter jurisdiction.

#### PRESENTATIONS

Claims – A Legal Perspective & Emerging Issues, RIMA's Annual Conference at the

#### Contact Information

Email: [ezabinski@batescarey.com](mailto:ezabinski@batescarey.com)  
Office: (312) 762-3187

#### Practice Areas

- Bad Faith
- Bermuda Forms
- Commercial General Liability
- Cyber Risks, Technology, and Data Security
- First-Party Property
- Healthcare Insurance and Reinsurance
- Transportation

#### Education

- DePaul University College of Law, J.D. 1998, Moot Court Society
- Loyola University Chicago, B.S. 1995, *magna cum laude*, Phi Beta Kappa

#### Memberships

- American Bar Association
- Illinois State Bar Association

#### Admissions

- Illinois
- U.S. District Court for the Northern District of Illinois and the Northern District of Indiana
- U.S. Court of Appeals for the Sixth Circuit

