



Gustavo A. Otalvora is a partner who represents domestic and foreign insurers and reinsurers in connection with complex coverage litigation, claims analysis and claims resolution. Gus has extensive experience representing insurers at the pre-trial, trial and appellate stages in a wide range of coverage matters, including coverage disputes arising out of environmental contamination, products liability, mass tort liability, construction defects, False Claims Act liability, civil rights violations, copyright and trademark infringement, defamation, sexual misconduct, real estate fraud, workers' compensation claims, self-insured risk pools and bad faith claims handling. Gus is also a member of BatesCarey's Opioid Coverage Task Force, through which he is litigating cutting-edge insurance coverage issues related to thousands of underlying opioid lawsuits filed against pharmaceutical distributors and retail pharmacies.

In addition to his litigation practice, Gus represents clients in a monitoring role for claims involving complex coverage issues. In this capacity, Gus advises clients on their defense and coverage obligations, helps clients evaluate their underlying exposure and develops creative, cost-effective strategies to limit clients' exposure and reach favorable resolutions. In addition, Gus advises underwriting professionals in connection with the drafting of manuscript policy forms and endorsements. Gus is also a contributing author of the 2020 and 2023 editions of IICLE's *Insurance Law*, a comprehensive handbook on Illinois insurance law.

In law school, Gus served as the editor-in-chief of the *University of Illinois Journal of Law, Technology and Policy*, he was a Kerker Scholar and he authored articles that were chosen for publication in two academic journals. Prior to law school, Gus served as a Paul Simon Public Policy Fellow for the Office of the Illinois Lieutenant Governor.

REPRESENTATIVE MATTERS

BITCO General Insurance Corp. v. Union Ridge Ranch, LLC & Inland Co., No. 22-cv-05624 (W.D. Wash.) Obtained summary judgment on behalf of primary insurer in a federal suit involving the issue of whether the Impaired Property Exclusion applied to bar coverage for an underlying multi-million-dollar settlement arising out of the insured's alleged defective construction of retaining walls (2024).

BITCO General Insurance Corp. v. J. Burns Brown Operating Co., No. 20-35490 (9th Cir.) Obtained summary judgment and affirmance on behalf of excess insurer in a federal suit involving the issue of whether a proprietary "follow form" pollution exclusion endorsement applied to bar coverage for an oil spill, or whether the excess policy "followed" underlying pollution coverage pursuant to Montana's ambiguity doctrine and/or reasonable expectations doctrine (2021).

Raymond v. BITCO National Insurance Co. et al., No. 2-17-0359 (Ill. Ct. App.) Obtained summary judgment and affirmance on behalf of insurer and individual claims handler in a lawsuit alleging wrongful claims handling in connection with underlying lawsuit alleging negligent tree removal (2018).

County of Cook, ex rel. Gorman, et al. v. American International Group, et al., No. 12-L2765 (Ill.

Contact Information

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Practice Areas

- Appellate and Trial Triage
- Arbitration
- Bad Faith
- Bermuda Forms
- Commercial General Liability
- Counseling and Risk Management
- Coverage Litigation
- General Commercial Litigation
- Opioid Coverage Task Force
- Professional Liability
- Reinsurance

Education

- University of Illinois College of Law, J.D. 2009
- University of Illinois at Urbana-Champaign, B.A. 2004

Memberships

- Chicago Bar Association

Admissions

- Illinois
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Eastern District of Wisconsin
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Ninth Circuit

Cir. Ct., Cook Cty.) Represented primary and excess E&O insurers as member of trial team in suit arising out of an insured municipality's claim for \$60 million in coverage for its liability in an underlying class-action civil rights lawsuit. In the suit — which ultimately settled — the insured also alleged tortious interference, fraud, violation of the Illinois False Claims Act, and bad faith against the insurers, in connection with the underwriting of policies and the subsequent denial of coverage (2016).

General Star National Insurance Co. v. Adams Valuation Corp., et al., No. 14-cv-1821 (N.D. Ill.) Obtained judgment on the pleadings on behalf of E&O insurer in federal suit involving issue of whether insurer had a duty to defend its insured in an underlying lawsuit alleging that the insured—a property valuation company—participated in a scheme to obtain fraudulent loans (2014).

ATMI Precast, Inc. v. Illinois National, Inc., No. 2007-CH-37205 (Ill. Cir. Ct., Cook Cty.) Obtained summary judgment on behalf of CGL insurer in state court action involving dispute over the allocation of settlement amounts between covered and uncovered claims alleged in an underlying construction defect case (2012).

Confidential Arbitration. Represented primary and excess insurer as member of trial team in a London arbitration, and helped secure favorable settlement in an insurance claim seeking \$120 million in advertising liability/personal injury coverage for defamation suit arising out of the insured's failed merger with international chemical company (2012).

Confidential Arbitration. Represented insurer as member of trial team in a New York arbitration involving issue of whether a manuscript lender-protection policy covered \$80 million in defaulted loans that were collateralized by non-recourse-financed life insurance policies (2010).

PUBLICATIONS

"Duties of Policyholders and Insurers," in Insurance Law (Illinois Institute for Continuing Legal Education, 2023)

"Duties of Policyholders and Insurers," in Insurance Law (Illinois Institute for Continuing Legal Education, 2020)