



Lindsey D. Dean maintains a diverse insurance coverage practice and has experience advising and representing primary and excess insurance carriers in complex disputes involving multiple product lines, including cyber liability, professional liability, commercial general liability and directors & officers liability. Lindsey has advised insurers regarding the drafting of management liability, architects and engineers and public entity professional liability coverage forms.

Lindsey has experience litigating and advising insurers on various coverage issues, including disputes involving interrelated claims, prior knowledge issues, the scope of professional services definitions and exclusions, privacy exclusions and contract exclusions. Lindsey additionally advises insurers on wording and claim challenges stemming from data breaches, social engineering schemes and privacy claims, including claims arising out of the use of data collection technology.

Lindsey is also an integral member of BatesCarey's Opioid Coverage Task Force, through which she participates in monitoring, analyzing, and litigating cutting edge insurance coverage issues related to opioid lawsuits filed nationwide against pharmaceutical manufacturers, distributors, and retail pharmacies.

Lindsey spent six months as a secondee with the U.S. Management Liability Team for a global insurer. During the secondment, Lindsey assisted with risk assessment, coverage analysis, and complex litigation management for EPL and D&O claims. Lindsey also participated in a four-month secondment with the U.S. Cyber Liability Team for a global insurer, where she focused on handling claims and evaluating exposure under excess cyber and privacy liability policies. Through these secondments, Lindsey developed a unique perspective and understanding of the claims handling process.

Lindsey's experience has earned her recognition by The Best Lawyers in America in the "Ones to Watch" list for Insurance Law and inclusion in the Rising Stars list by Super Lawyers which recognizes just 2.5% of attorneys 40 and under in each state.

## REPRESENTATIVE MATTERS

**Westport Insurance Corp. v. Sycamore Community Unit School District #427**, 555 F.Supp.3d 550 (N.D. Ill. 2021). Obtained judgment on the pleadings holding that insurer client owed no coverage in connection with an underlying sexual abuse claim because late notice and a criminal/dishonest acts exclusion barred coverage for, respectively, an insured school district and its alleged former employee.

**Terry Black's Barbecue, LLC v. State Automobile Mut. Ins. Co.**, 22 F.4th 450 (5th Cir. 2022). Affirmed the district court's entry of judgment in State Auto's favor upon finding that the insured failed to plausibly allege any tangible alteration or deprivation of its property which then caused its suspended operations, as necessary to satisfy the policy's "direct physical loss" prerequisite under the business income and extra expense provisions.

**Isaac's Deli v. State Auto Prop. & Cas. Ins. Co.**, 539 F.Supp.3d 424 (E.D. Pa. 2021). Granted insurer's motion for judgment on the pleadings and found that government orders regulating use of property fall within Policy's ordinance or law exclusion.

**Univ. Mgmt., Inc. v. State Auto Prop. & Cas. Ins. Co.**, No. 1:20-CV-138-DMB-RP, 2022 WL 805879 (N.D. Miss. Mar. 15, 2022). Granted insurer's motion for summary judgment on absence of coverage under Food-Borne Illness Endorsement.

## Contact Information

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## Practice Areas

- Commercial General Liability
- Opioid Coverage Task Force
- Professional Liability

## Education

- DePaul University College of Law, J.D. 2014, cum laude
- DePaul University, B.S. 2011, cum laude

## Memberships

- Professional Liability Underwriting Society
- Claims and Litigation Management Alliance

## Admissions

- Illinois
- California
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Central District of Illinois
- U.S. Court of Appeals for the Seventh Circuit

*Danco LLC v. State Auto Prop. & Cas. Ins. Co.*, No. 3:20CV235-MPM-JMV, 2022 WL 1369064 (N.D. Miss. May 3, 2022). Granted insurer's motion for judgment on the pleadings on absence of coverage under Restaurant Extension Endorsement.

## **PRESENTATIONS**

Artificial Intelligence: The Claims, The Coverage, The Future; Global Client Webinar (April 2024)

Under the Influencers: The Scope of Media Coverage in the Digital Age; Client Seminar (February 2024)

Coverage Yoga: The Twists and Turns of Coverage Position Letters; Client Seminar (August 2021)

## **PUBLICATIONS**

"Full Clarity on Partial Releases," CLM Magazine (May 16, 2023)

"New Year, New California Requirements for Time-Limited Demands," BatesCarey LLP News (January 5, 2023)

"COVID-19 Insurance Claims: It's Not Just Property Anymore," BatesCarey LLP News (May 5, 2022)

"New Ruling Means Ky. Insurers May Rely on Notice Deadlines," Law360 (May 28, 2021)

"Sixth Circuit Rejects Fitness Chain's Attempt to Work Out of Contractual Liability Exclusion," BatesCarey LLP News (May 12, 2021)

"The Cutting Edge of COVID-19 Coverage: From the U.S. to the United Kingdom," BatesCarey LLP News (February 8, 2021)

"Doctor's Criminal Plea Vitiates Malpractice Coverage for Related Wrongful Death Suit Arising Out of Over-Prescription of Opioids," BatesCarey LLP News (October 26, 2020).

"A Pair of Pennsylvania Decisions Build Out Analysis for Construction Defect Coverage Claims," BatesCarey LLP News (July 28, 2020)