



Michael "Mickey" Passman is a partner who concentrates his practice on insurance law. His practice includes pre-litigation insurance coverage analysis as well as the litigation of insurance coverage disputes in state and federal courts throughout the country.

Mickey handles a wide variety of commercial general liability coverage and professional liability coverage matters, including matters involving products liability claims, personal injury claims, construction claims, attorney malpractice claims, and insurance broker errors and omissions claims. Mickey also represents insurance companies in defending against bad faith claims.

Mickey frequently writes and speaks on insurance coverage law, including on the topics of reservations of rights, estoppel, bad faith, and the litigation of insurance coverage disputes. He also publishes a monthly online column on new developments in insurance law.

REPRESENTATIVE MATTERS

Financial Pacific Insurance Company v. Gotham Insurance Company, CV 2018-005881 (Superior Court of Arizona, Maricopa County). Obtained summary judgment ruling that insurer does not owe coverage for the liability of its policyholder's alleged predecessor company, which the claimant alleged to be a legally indistinguishable entity from the insured policyholder.

Westport Ins. Corp. v. California Casualty Management Co., 916 F.3d 769, 2019 WL 692668 (9th Cir.) On behalf of school district's insurer, Westport Insurance Corporation, successfully recovered over \$3.3 million from the excess insurer of three school administrators that had refused to participate in Westport's settlement of molestation claims. The U.S. Court of the Appeals for the Ninth Circuit upheld the District Court's summary judgment in favor of Westport, and concluded that a California statute does not bar the insurer of a school district from seeking recovery from the insurer of public employees and that the non-settling insurer could not challenge Westport's allocation of the settlement between the various victims and policy years.

National Surety Corp. v. First Specialty Insurance Corp., 2016 WL 7057503 (Superior Court of New Jersey, Essex County) appeal dismissed A-001554-16T1 (Superior Court of New Jersey, Appellate Division). In a case of first impression in New Jersey, obtained summary judgment in favor of primary insurer client establishing that the client could pay its limits to settle on behalf of one Insured, and that doing so would extinguish the duty to defend all remaining Insureds that were named as defendants in the underlying personal injury lawsuit.

Travelers Property Casualty Co. of America v. RSUI Indemnity Co., 844 F.Supp.2d 933 (U.S. District Court for the Northern District of Illinois). Obtained summary judgment in favor of primary insurer client establishing that injuries to two separate individuals caused by a single E. coli outbreak constituted a single "occurrence," and therefore the client was entitled to recoupment from the excess insurer for settlement amounts paid over the client's "per occurrence" limit.

PRESENTATIONS

Contact Information

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Practice Areas

- Commercial General Liability
- Professional Liability

Education

- Brooklyn Law School, J.D. 2008
- University of Chicago, B.A. 2005

Memberships

- Claims & Litigation Management Alliance

Admissions

- Supreme Court of the State of Illinois
- U.S. District Courts for the Northern Districts of Illinois
- U.S. District Courts for the Southern Districts of Illinois
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Ninth Circuit

"The Duty to Settle, Bad Faith, and Ethics," Illinois Institute for Continuing Legal Education (Chicago, Illinois | January 2018)

"Responding to, Evaluating and Defending Sudden-Event Mass Toxic Tort Claims: Coverage Issues," Claims & Litigation Management Alliance (Overland Park, Kansas | September 2015)

"Reservations of Rights and Estoppel," Illinois Institute for Continuing Legal Education (Bloomington, Illinois | September 2014)

"Modern Day Pirates and the Law," Chicago Bar Association (Chicago, Illinois | October 2009)

PUBLICATIONS

"Civil Authority Coverage: Does it Apply to COVID-19?" BatesCarey and Law360 (March 23, 2020)

"Extended Statute of Limitations for Child Molestation Claims Brings Flood of Suits" (BatesCarey, January 2020)

"Insurance Law," in IICLE Flashpoints (Illinois Institute for Continuing Legal Education, Jan. 2015 – Present | Monthly Article)

"Declaratory Judgment Litigation," in Illinois Insurance Law (Illinois Institute for Continuing Legal Education, 2015)

"Declaratory Judgment Litigation," in Commercial and Professional Liability Insurance (Illinois Institute for Continuing Legal Education, 2014)

"Introduction to Commercial Liability Coverages – Overview of the Forms," in Commercial and Professional Liability Insurance (Illinois Institute for Continuing Legal Education, 2012) (co-author)

"The CGL Policy," in Insurance Law (Illinois Institute for Continuing Legal Education, 2012) (co-author)

"Does the MCS-90 Endorsement Cover Permissive Users?", Commercial Transportation Litigation Committee Newsletter (American Bar Association, Winter 2010) (co-author)

"Interpreting Sea Piracy Clauses in Marine Insurance Contracts", Journal of Maritime Law and Commerce (Vol. 40, 2009)

"Protections Afforded to Captured Pirates Under the Law of War and International Law," Tulane Maritime Law Journal (Vol. 33, 2008).

"Transactions of Virtual Items in Virtual Worlds," Albany Law Journal of Science and Technology (Vol. 18, 2008)