



JAMES P. DUCHATEAU

Partner

70 West Madison Street, Suite 2600

Chicago, IL 60602

312-205-7710

jduchateau@heplerbroom.com

AREAS OF PRACTICE

- Banking & Financial Services
- Commercial
- Insurance Law

EDUCATION

- The John Marshall Law School, n/k/a UIC John Marshall Law School, J.D., 2008
- University of Wisconsin, B.A. in Political Science and B.A. in History, 2002

ADMISSIONS

- Illinois
- Supreme Court of Illinois
- U. S. District Courts for the
 - Northern, Central, and Southern Districts of Illinois
 - Eastern District of Missouri
 - Southern District of Indiana
 - Eastern District of Wisconsin
 - District of Colorado
- U.S. Bankruptcy Court for the Northern District of Illinois

PRACTICE DESCRIPTION

James P. DuChateau concentrates his practice in the areas of commercial and insurance coverage litigation in state and federal courts throughout the Midwest and Mountain West, including:

- First-party property claims
- Commercial general liability defense
- Prosecution of declaratory matters under personal and commercial policies
- Defense of bad faith and extra contractual liability matters

He counsels both property and casualty carriers during the claims process, where he regularly conducts examinations under oath, generates coverage opinions, and counsels his clients regarding the same.

Additionally, Mr. DuChateau's practice encompasses the representation of financial institution clients in both U.C.C. and R.E.O. matters, as well as trade secret and restrictive covenant litigation.

Prior to joining HeplerBroom in 2016, he practiced with a regional full-service defense firm, where he represented both corporate and municipal clients in insurance coverage matters.

BAR/PROFESSIONAL ASSOCIATIONS

- American Bar Association
- Defense Research Institute
- Illinois Association of Defense Trial Counsel
 - Board of Directors (2017-present)
 - *IDC Quarterly*
 - Editor-in-Chief (2021-2022)
 - Associate Editor (2016-2021)
 - Young Lawyers' Committee
 - Chair (2016-2017)
 - Vice Chair (2015-2016)
- Illinois State Bar Association
- Legal Assistance Foundation of Greater Chicago

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AWARDS, HONORS & DISTINCTIONS

- Illinois Leading Lawyers
 - Emerging Lawyer (2015-2020)
- Illinois Super Lawyers (2021-2022)
 - Rising Star (2014-2020)
- Illinois Association of Defense Trial Counsel
 - Volunteer of the Year (2019)
- Legal Assistance Foundation Pro Bono Volunteer of the Year (2014)

LAW SCHOOL HONORS/INVOLVEMENT

- Dean's List
- Dean's Scholarship
- Herzog Moot Court Orator

PUBLISHED LEGAL WRITING

- "Replacement Cost Coverage: Aesthetic Mismatching as Direct Physical Loss to Covered Property," *IDC Quarterly* (Vol. 31, No. 2 2021).
- Quoted in "Court Divide Deepens for Insurers' Labor Cost Battles," *Law360: Insurance Authority* (October 8, 2021).
- "Coverage Implications When an Insured Fails to Appear for An Examination Under Oath," *HeplerBroom Blog* (September 10, 2020).
- "Developments in Judicial Estoppel following Seymour v. Collins," *HeplerBroom Blog* (October 19, 2017).
- "ISBA v. Tuzzolino: A Significant Extension of the Illinois Innocent Insured Doctrine." *NSPII News* (Spring 2014).

LEGAL LECTURES & PRESENTATIONS

- "Property/Business Interruption and Cyber Liability 2022," Financial Poise Webinar (2022).
- "Updates on Illinois Insurance Law," Spring Symposium, Illinois Association of Defense Trial Counsel (2015).

REPRESENTATIVE/RECENT CASE RESULTS

- Obtained dismissal of insured's federal complaint for breach of contract and statutory bad faith arising from a claim for additional, uncovered damage to a commercial property in Chicago. (*New Revelation Ministries, Inc. v. Consolidated Ins. Co.*, N.D. Ill., 2018)

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REPRESENTATIVE/RECENT CASE RESULTS (Continued)

- Secured dismissal of U.C.C. Article 9 claims against secured lender following the plaintiff-debtor's default on a series of commercial credit obligations and subsequent collateral replevin and liquidation. (*Berns v. State Bank of Herscher*, Kankakee County, Ill. 2018)
- Prevailed and achieved a dismissal, with prejudice, of a federal complaint for breach of contract and statutory bad faith based on the claim-preclusive effect of a fully-paid appraisal award and the existence of a *bona fide* dispute regarding post-award coverage. (*70th Court Cond. Assn. v. Ohio Security Ins. Co.*, N.D. Ill., 2017)
- Obtained dismissal of a policyholder action for declaratory relief, breach of contract and statutory bad faith relative to client's partial denial of the insured's claim for property damage related to a putative high wind and hail event. (*Far West Church of Christ v. Church Mut. Ins. Co.*, Cook County, Ill., 2017)
- Secured a substantial presuit settlement with an umpire who presided over a property insurance appraisal and fraudulently concealed his pre-appraisal association and representation of both the insured's public adjuster, as well as its appraiser. (*Church Mut. Ins. Co. v. Confidential Umpire Defendant*, 2016)

For a complete list of **Representative/Recent Cases**, see attached.



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Successfully defended breach of contract and statutory bad faith action following partial denial of plaintiff-insured's claim for \$1.6 million in policy benefits for putative hail damage to a warehouse and distribution facility in suburban St. Louis. (*Stokes Realty, LLC v. State Automobile Mutual Ins. Co.*, E.D. Mo., 2015)

Secured summary judgment and dismissal of plaintiff-insured's claims for fraud, consumer fraud, and punitive and emotional damages arising out of a claim for alleged residential storm damage. (*Loux v. State Auto Property & Casualty Ins. Co.*, St. Louis County Mo., 2015)

Successfully defended breach of contract and bad faith case following denial of plaintiff-insured's claims for \$1.8 million in policy benefits for alleged snow and ice-related roof damage, and ensuing interior water losses to two banquet facilities located in Chicago's southern suburbs. (*Hickory Properties, Inc. v. State Automobile Mutual Ins. Co.*, N.D. Ill., 2014)

Secured dismissal of breach of contract claim arising out of carrier's denial of insured's claim for water remediation damages, and ensuing business interruption to insured's shopping center due to the failure of a corroded and

Representative/Recent Case Results (Continued)

decayed subterranean water supply line. (*D&A Godas, LLC v. State Auto Property & Casualty Ins. Co.*, W.D. Mo., 2014)

Secured dismissal of plaintiff-insured's fraudulent concealment claims arising out of a first-party commercial property claim for hail damage to large industrial production facility located in Chicago. (*Erva Tool & Die Co. v. Peerless Indemnity, et al.*, Cook County, Ill., 2013)

Secured jury verdict in carrier's favor in suit against duct cleaning company following a major fire loss within a Chicago restaurant's cooking grill and appurtenant high-rise ductwork, causing approximately \$800,000 in damages. (*Carter & Associates, et al. v. Sta-Kleen, Inc., et al.*, Cook County, Ill., 2012)

Following a two-week bench trial, secured a declaratory judgment of non-coverage on a \$1.8 million property claim, as well as a defense judgment on the insured's counterclaims for breach of contract and statutory bad faith relative to a November 2009 arson that occurred in Port Barrington, Illinois. (*American Family Mutual Insurance Co. v. Lobrow, et al.*, Lake County, Ill., 2012; affirmed on Appeal - 2013 IL App (2d) 121369-U)

Successfully defended insured's claims for breach of contract and statutory bad faith damages arising out of a putative burglary and subsequent falsified contents claim submitted under a homeowner's policy. (*Hamilton v. American Family Mutual Insurance Co.*, Cook County, Ill., 2012)

Obtained summary judgment in favor of the client, a major Chicago commodity futures trading firm, following the defendant's breach of a joint venture agreement. (*League Corporation v. Lyons*, Cook County, Ill., 2012)

Successfully represented commercial property insurer in litigation against a multinational general contractor and HVAC subcontractor relative to losses occasioned by construction defects at a former Circuit City distribution warehouse located in Marion, Illinois. (*Factory Mutual Ins. Co. v. Gray Construction Co., Inc., et al.*, Williamson County, Ill., 2012)

Successfully protected client's trade secrets and intellectual property, and replevied company equipment, all of which had been misappropriated by two of its former employees and a Fortune 500 network consulting company. (*In Re Artemis Technology, LLC*, Cook County, Ill., 2012)

Secured arbitration award against a multinational general contractor relative to losses occasioned by construction defects in a Chicago residential high-rise. (*USAA v. Bovis Lend Lease, Inc.*, Intercompany Arbitration, 2011)

Successfully pierced the corporate veil of a closely held corporation in favor of a Chicago cartage company relative to fraudulent asset transfers undertaken by the defendant corporation in the wake of a previous breach of contract judgment. (*Harmon Motor Services, Inc. v. Scotty's of Will County, Inc., et al.*, Cook County, Ill., 2010)