

News & Insights

Dykema Secures Appellate Court Victory for State Farm

Panel Cites Potential for Conflict in Overturning Lower Court Decision

June 25, 2013

Two Chicago-based members of Dykema's Litigation Department—Michael Borders, Office Managing Member of the Chicago office, and Rosa M. Tumialán, whose practice focuses on appellate matters—secured an important win for State Farm Fire & Casualty Co., when a panel in the First District Appellate Court reversed a ruling by the trial court that the insurer provide defense coverage in a junk fax class action. Instead, the lower court is instructed to determine first whether Illinois or Indiana law applies.

In its ruling, the appellate court stated that the lower court's decision "conflicts with better-reasoned cases and the purpose of the choice-of-law doctrine," which comes into play when uncertainty in one state's law poses a potential conflict with the law of another state. The opinion is significant because it expressly departs from an earlier 2011 appellate decision holding that federal district court opinions predicting a state's law could not create a conflict with Illinois state law.

Tumialán, acknowledging that client and defense team are pleased with this ruling, said, "We feel that [the opinion is] an appropriate application of general choice-of-law principles." A request for leave to appeal to the Illinois Supreme Court is expected.

Attorneys

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