



JAMES P. DUCHATEAU

Partner | Chicago, IL

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James P. DuChateau concentrates his practice exclusively on insurance coverage, with an emphasis on first-party property for both commercial and personal lines. For the last 15 years, he has counseled carriers throughout the country on high exposure claims and coverage issues including appraisal, arson, business interruption, collapse, coinsurance, intentional acts, ordinance and law, insurable interest, mortgagee and loss payee rights, assignment of benefits, vandalism, late notice, vacancy, and all manner of questions surrounding direct physical loss.

Mr. DuChateau also devotes a large portion of his practice to litigating these and other emerging insurance coverage issues in state and federal courts throughout the Midwest and Mountain West. He represents insurers in both declaratory matters for non-coverage as well as the defense of contractual and extracontractual liability matters. Clients regularly turn to him to conduct examinations under oath of their policyholders, generate coverage opinions, and provide legal counsel on both good faith claims handling and the resolution of complex coverage issues.

Practices:

- Banking & Financial Services
- Commercial Litigation
- First-Party Coverage
- Insurance Fraud Investigation
- Insurance Services
- Motor Vehicle Accidents
- Third-Party Coverage

Education:

- University of Illinois Chicago School of Law, J.D., 2008
- University of Wisconsin, B.S. in History and B.S. in Political Science, 2002

Bar Admissions:

- Illinois
- Supreme Court of Illinois
- U.S. Court of Appeals for the 7th Circuit
- U.S. District Courts for the Northern, Central, and Southern Districts of Illinois
- Eastern District of Missouri
- Northern and Southern Districts of Indiana
- Eastern District of Wisconsin
- District of Colorado
- U.S. Bankruptcy Court for the Northern District of Illinois

Results

- Obtained a judgment of non-coverage as to the named insured and certain corporate officers in an underlying commercial property insurance dispute stemming from a staged burglary, intentionally set fire, and ensuing fraudulent insurance claim at an Illinois firearm facility. *Tokio Marine Specialty Ins. Co. v. Springfield Shooting Ctr., Inc.*, 2024 WL 3888901, at *1 (C.D. Ill. Aug. 21, 2024); see also *U.S. v. Jackson*, 2019-CR-30023 (C.D. Ill.) (concurrent federal criminal prosecution of insured arising out of at-issue insurance claim)
- Obtained a dismissal of an insured's counterclaims for breach of contract and Section 155 on an underlying declaratory proceeding seeking declaration of non-appraisability of amount of loss of commercial property insurance claim due to the presence of multiple questions of insurance coverage. *Philadelphia Indem. Ins. Co. v. Hometown Coop. Apartments, Inc.*, 2024 WL 342591, at *1 (N.D. Ill. Jan. 30, 2024).
- Successfully resisted and secured a denial of multiple contractors' petitions to intervene into declaratory proceeding between insurer and policyholder over appraisability of underlying commercial property insurance dispute. *Philadelphia Indem. Ins. Co. v. Hometown Coop. Apartments, Inc.*, 2023 WL 7126683, at *1 (N.D. Ill. Oct. 29, 2023)
- Secured a with-prejudice dismissal of commercial insured's claims for breach of contract, Section 155 relief and unjust enrichment arising out of denial of Chicago nightclub's claims for COVID-19 related business interruption damages. *Hubbard Steak, LLC d/b/a Joy District, et al v. Specialty Risk of America, et al*, 2020-L-008099 (Cook County, Ill. 2022) (appeal dismissed, Ill. App. 1st Dist. Case No. 1-22-1223)
- Obtained a declaratory judgment against policyholders, disqualifying their named appraiser due to pre-appraisal involvement in the claim process. *Milbank Ins. Co. v. Dennhardt*, 2021 WL 2434023, at *1 (C.D. Ill. June 15, 2021)
- 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)
- 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)
- 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 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)

Honors & Awards

- Illinois Leading Lawyers
- Emerging Lawyer (2015-2020)
- Illinois Super Lawyers (2021-2026)
- 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)

Professional Associations

- American Bar Association
- Defense Research Institute
- Federation of Defense and Corporate Counsel
- Illinois Association of Defense Trial Counsel
- Board of Directors (2017-2026)
- IDC Quarterly
- Editor-in-Chief (2021-2022)
- Associate Editor (2016-2021)
- IDC Survey of Law
- Editor-in-Chief (2022-2024)
- Young Lawyers' Committee
- Chair (2016-2017)
- Vice Chair (2015-2016)
- Illinois State Bar Association
- Legal Assistance Foundation of Greater Chicago