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Neal Gerber Eisenberg Secures Victory for Northwestern Medical Faculty Foundation Before Illinois Appellate Court

On March 24, 2017, the Illinois Appellate Court affirmed a key victory in favor of Neal Gerber Eisenberg client Northwestern Medical Faculty Foundation (NMFF). The Neal Gerber Eisenberg team was led by Partner Jill B. Berkeley and Associate Andrew G. May, with assistance from Partner Seth D. Lamden, Associate Valerie R. Raedy and Paralegal Aidan O. Gilbert.

The case involves an insurance coverage dispute arising out of a series of lawsuits against NMFF and others by patients who claim they lost their chance to have a biological child. The problem arose when a freezer storing cryogenically preserved sperm samples at Northwestern Hospital failed, causing the samples to become irreversibly damaged. NMFF's primary and excess insurers filed a declaratory judgment challenging their obligations to provide defense and indemnity coverage to NMFF in the underlying lawsuits. NMFF moved to have the coverage action stayed as premature in light of the pendency of the underlying actions, and the trial court (Judge Pantle) granted NMFF's motion to stay. In a 37-page published opinion authored by Presiding Justice Robert Gordon, the First District Illinois Appellate Court unanimously ruled in NMFF's favor and affirmed the lower court's ruling in all respects.

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