



Abigail Rocap is a partner whose practice focuses on advising and representing primary and excess insurance carriers in complex disputes involving numerous product lines including management liability, professional liability, commercial general liability, and property coverages.

Abby provides her insurer clients with comprehensive coverage analysis involving complex underlying cases and coverage issues. Abby serves as counsel for claims relating to securities class action lawsuits, derivative actions, regulatory investigations and proceedings, and employment-related litigation. Abby also handles a wide range of managed care and healthcare matters involving GL, D&O, E&O, EPL, and fiduciary exposures arising from healthcare providers and facilities.

In addition, Abby has extensive experience handling claims arising under the Illinois Biometric Information Privacy Act ("BIPA"). Abby regularly advises clients on significant updates on underlying BIPA cases and how those developments impact her insurer clients' obligations, and the developing body of coverage case law for BIPA claims.

Abby represents both primary and excess carriers in domestic and international litigation and arbitrations and has extensive experience representing her clients in mediations of both underlying cases and coverage actions.

Abby also provides in-house seminars on claims, underwriting, policy drafting, new product development, and topical issues concerning the insurance community, including allocation and independent counsel issues. In particular, Abby has presented to a number of insurers on BIPA developments and the BIPA coverage landscape. Abby also co-authored "Professional Liability Claims-Made Issues" in Commercial and Professional Liability Insurance (Illinois Institute for Continuing Legal Education, 2023).

Abby's breadth of experience has earned her recognition by *Best Lawyers* for Insurance Law and inclusion in the Rising Stars list by Super Lawyers which recognizes just 2.5% of attorneys 40 and under in each state. In 2024, *Chicago Lawyer Magazine* listed Abby as one of the *40 Under Forty Illinois Attorneys to Watch* for her industry-leading BIPA knowledge and insurance coverage work.

In addition to her legal practice, Abby also sits on the firm's Associate Committee, which oversees the hiring and professional development of the firm's associates.

REPRESENTATIVE MATTERS

RLI Ins. Co. v. Acclaim Res. Partners, LLC, 2020 IL App (4th) 190757-U. Obtained ruling in favor of insurer that a contractual fee dispute did not trigger coverage under an E&O policy because there was no "wrongful act."

Doe as next friend for Fiona v. Citizens Ins. Co. of Illinois, 391 F. Supp. 3d 860 (N.D. Ill. 2019). Obtained ruling that no coverage was owed under a homeowners' policy because sexual mistreatment of minors was not an "occurrence" and, even if it was, a penal law exclusion applied.

USA Gymnastics v. ACE American Insurance Company, et al., Adv. Case No. 19-50012 (S.D. Ind.)

Contact Information

Email: arocap@batescarey.com
Office: (312) 762-3161

Practice Areas

- Commercial General Liability
- First-Party Property
- Professional Liability

Education

- Loyola University Chicago School of Law, J.D. 2012, *cum laude*
- DePauw University, B.A. 2009

Admissions

- Illinois
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Southern District of Indiana
- U.S. Court of Appeals for the Seventh Circuit

(BK). Obtained agreed dismissal of D&O insurer in connection with coverage litigation arising out of the Larry Nassar sex abuse.

Twin City Fire Ins. Co. v. Permatron Corp., 2018 WL 1565599 (N.D. Ill. Mar. 30, 2018). Obtained ruling that a post-employment retaliation claim related back to the initial discrimination claim, such that the insured was not entitled to coverage under either of the two successive EPL policies based on the insured's failure to timely notify the insurer of the related claim.

Sentinel Ins. Co. Ltd. v. Cogan, 202 F. Supp. 3d 831 (N.D. Ill. 2016). Finding that law firm's eight-month delay providing notice of defamation claim against it barred coverage under a CGL policy.

IMEG Corp. v. Atlantic Specialty Ins. Company, Case No. 1:20-cv-03316 (N.D. Ill.). Currently representing insurer in declaratory judgment action seeking a ruling that there is no coverage for self-disclosures by the insured to state and federal governments for potential violations of the False Claims Act and related state law regulations.

PUBLICATIONS

"New BIPA Decision from the Illinois Supreme Court on the Healthcare Exemption," BatesCarey LLP News (December 15, 2023)