



**Joshua A. Boggioni** is a partner who represents domestic and foreign insurers in connection with complex coverage litigation, claims analysis and claims resolution. Josh has represented insurers at the pre-trial, trial and appellate stages in a broad range of coverage matters before state and federal courts, including disputes arising out of environmental contamination, products liability, toxic and mass tort liability, as well as bad faith claims handling. Josh has also advised underwriting professionals in connection with the drafting of manuscript policy forms.

Josh's experience also includes representing corporate and individual clients in various aspects of commercial and personal litigation matters before state courts and government tribunals. In this capacity, Josh has handled contract disputes, fraud claims and real estate tax matters.

Josh is a longtime volunteer in the Chicago Bar Association's Lawyers in the Classroom program and presently serves on the Board of Directors of the CBA Media & Civic Education Inc. In law school, Josh served as the editor-in-chief of the *University of Toledo Law Review*.

## REPRESENTATIVE MATTERS

***Publix Super Markets, Inc. v. ACE Prop. and Cas. Ins. Co., et al.*, No. 8:22-cv-2569 (MD Fla.)**  
Achieved ruling that multi-billion-dollar governmental opioid lawsuits present generalized economic losses and do not seek to impose covered liability for damages "because of bodily injury" where there is no claim to prove causation or damages for any individual's injury. (2024)

***WestRock, CP, LLC v. Lexington Insurance Co., et al.*, 2024 IL App (1<sup>st</sup>) 231631-U** Secured affirmation of the trial court's order granting summary judgment in favor of insurer, holding that two different pollution conditions on the same insured property were subject to only a single limit of liability because the term "related" in a pollution liability insurance policy meant to group together claims that were either logically or causally connected. (2024)

***SECURA Insurance v. Harley-Davidson, Inc., et al.*, No. 2021-CV-102 (Wis. Cir. Ct., Winnebago Cty.)** Obtained summary judgment on behalf of insurer in which the court held that insurer's commercial umbrella policy was not required to respond, if at all, until policyholder exhausted its additional insured coverage under another insurer's general liability policy (2022).

***Colonial Pipeline Co. v. AIG Specialty Ins. Co.*, No. 19-CV-762, 2022 WL 866414 (N.D. Ga.)** Obtained partial summary judgment on behalf of insurer in which the court held that pollution liability policy was not required to provide defense or indemnity for a state regulator's lawsuit arising out of a gasoline leak (2022).

***Illinois Tool Works, Inc. v. Ace Specialty Ins. Co., et al.*, 2019 IL App (1<sup>st</sup>) 181945 (Ill. Ct. App.)** Obtained affirmation of summary judgment secured on behalf of insurer in which the court held that insurer did not have a duty to pay insured's costs to mediate the federal government's claims concerning remediation of a polluted former industrial site (2019).

***Colton v. Brooks*, No. 2018-L-8534 (Ill. Cir. Ct., Cook Cty.)** Successful defense of client against claims seeking \$2 million for alleged breach of contract and fraud. Obtained a

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## Practice Areas

- Arbitration
- Bad Faith
- Climate Change
- Commercial General Liability
- Counseling and Risk Management
- Coverage Litigation
- General Commercial Litigation
- Opioid Coverage Task Force

## Education

- University of Toledo College of Law, J.D. 2009, *summa cum laude*
- Brown University, M.F.A. candidate 2003
- University of Evansville, B.F.A. 1999, *cum laude*

## Memberships

- Chicago Bar Association
- Board of Directors, President, Chicago Bar Association Media & Civic Education, Inc.

## Admissions

- Illinois
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Northern District of Indiana
- U.S. District Court for the Eastern District of Michigan

stipulated dismissal with prejudice for which the client paid nothing (2019).

Successfully represented corporate clients in three real estate tax disputes, resulting in total tax refunds and/or savings of approximately \$6,000,000, \$4,000,000, and \$2,700,000, respectively (2014-2015).

**Drywall Claims.** Represented various insurers with respect to claims arising out of Chinese-manufactured drywall, successfully arguing that insureds' claims are excluded from coverage by the pollution exclusion (2010-2012).

**Confidential Arbitration.** Successful defense of insurer in two-week arbitration involving more than \$20 million in compensatory, bad faith, and punitive damages. The arbitration panel found in insurer's favor, ruling there was no coverage for two class actions and two governmental actions under three pollution liability policies (2010).

## **PRESENTATIONS**

Additional Insured and Contractual Indemnity Overview, Client Seminar (February 2025)