

# **Bond Case Briefs**

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## **INSURANCE - ILLINOIS**

### **Netherlands Insurance Company v. Macomb Community Unit School District No. 185**

**United States Court of Appeals, Seventh Circuit - August 6, 2021 - F.4th - 2021 WL  
3464356**

Insurers brought action seeking declaration of their rights and obligations under school district's general commercial liability insurance policy after district settled female students' action alleging that it had failed to prevent and inappropriately responded to sexual misconduct by male student.

The United States District Court for the Central District of Illinois entered judgment on pleadings in district's favor, and insurers appealed.

The Court of Appeals held that student's sexual misconduct fell within scope of policy provision excluding coverage for "[a]ny sexual misconduct" of "any person."

Under Illinois law, male student's sexual misconduct towards female students unambiguously fell within scope of provision of school district's general commercial liability insurance policy excluding coverage for "[a]ny sexual misconduct" of "any person," despite district's contention that it excluded coverage only for sexual misconduct by school employee.