NICHOLAS R. NOVAK

Partner

Nicholas Novak is a partner who serves as coverage and litigation counsel to domestic and international insurers in matters involving various forms of third-party and first-party coverage. In terms of third-party coverage, Nicholas specializes in professional liability matters, including D&O, E&O, and EPL coverage.

As to first-party coverage, Nicholas has extensive experience in handling property insurance and casualty matters. Nicholas' experience includes handling major property losses, business interruption claims, commercial general liability matters, and builders risk claims. Nicholas has represented property and casualty insurers in federal and state courts seeking declarations supporting coverage determinations, defending against bad faith claims, and pursuing subrogation in large commercial property losses.

Nicholas has been appointed as a member of the ABA TIPS Technology Committee. The TIPS Technology Committee provides guidance to assist with TIPS online presence, and serves as a technology resource to Section committees, among other services. Nicholas is also Vice-Chair of the ABA TIPS Professionals' Officers' and Directors Liability Committee, Employment Law & Litigation Section, and a Liaison for the Young Lawyers Division of the ABA.

Nicholas has been elected to the Illinois Rising Stars list from 2016-2021 and as a Super Lawyer in 2022 by *Super Lawyers*, a peer review designation recognizing no more than 2.5 percent of Illinois lawyers under the age of 40.

REPRESENTATIVE MATTERS

Zaragon Holdings, Inc. v. Indian Harbor Ins. Co., 2011 WL 1374980 (N.D. Ill. Apr. 12, 2011) Summary judgment on behalf of commercial property insurance carrier, securing a declaration that storm damage to the roofs of the insured premises was not fortuitous and, therefore, was not subject to coverage.

Indian Harbor Ins. Co. v. Randolph Partners, LLC – 740 Series, 2010 WL 3155974 (N.D. Ill. Aug. 10, 2010) Summary judgment on behalf of commercial property insurance carrier, securing a declaration of no coverage for extensive damage from a broken sprinkler head because insured failed to comply with a protective safeguards endorsement.

Zaragon Holdings, Inc. v. Indian Harbor Ins. Co., 2010 WL 3036762 (N.D. Ill. Aug. 2, 2010) Summary judgment on behalf of commercial property insurance carrier, securing a declaration of no coverage for water damage to an apartment complex because the insurer proved that the damage was caused by surface water, which was excluded under the policy.

Burton Wells, Ltd v. Indian Harbor Ins. Co., 2009 WL 8463694 (N.D. Ill. July 13, 2009) Ruling by the district court to bifurcate a bad faith claim from the coverage claim, which halted all discovery into the bad faith allegations until the insured established it was entitled to coverage. Case was later dismissed with prejudice.

Indian Harbor Ins. Co. v. 2930 North Sheridan, LLC, Case No. 1:08-cv-3543 (N.D. Ill.) Defended insurer from multimillion dollar claim for damages related to asbestos discovered during renovation, resulting in a voluntary dismissal of the insured's claims for coverage after the insurer filed a motion for judgment on the pleadings.

Contact Information

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Practice Areas

- Bermuda Forms
- Fidelity, Surety, and Crime
- First-Party Property
- Professional Liability

Education

- Loyola University of Chicago School of Law, J.D. 2007, *magna cum laude*
- The Ohio State University, B.S. Mathematics and Political Science 2004

Memberships

- American Bar Association
- Chicago Bar Association
- Illinois Bar Association
- Defense Research Institute
- Illinois Association of Defense Trial Counsel

Admissions

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

Indian Harbor Ins. Co. v. Clarinet, LLC, Case No. 4:07-cv-581 (E.D. Mo.) Defended insurer in a trial concerning a coverage dispute and bad faith allegations related to the collapse of a historic building during renovations.

PUBLICATIONS

"Coronavirus and Business Interruption Claims" BatesCarey (March 19, 2020)

“We’re Going to Make It After All,” Employment Law & Litigation Newsletter, Summer 2015, by Nicholas Novak and Tyler Volm.

"Spoliation and Insurance Coverage," CLE Presentation to Chicago Bar Association, Young Lawyers Association, Insurance Coverage Committee, October 11, 2011.