

Seth M. Erickson

Partner

Chicago

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OVERVIEW

Seth represents clients in a wide variety of complex disputes, including insurance, securities, privacy, bankruptcy, and other commercial litigation. He has successfully litigated cases in trial and appellate courts across the U.S., and he has first-chair jury trial experience and first-chair arbitration experience before FINRA. Seth also investigates securities and privacy disputes, and advises clients on coverage issues under directors and officers, cyber, and employment practices liability policies.

REPRESENTATIVE MATTERS

- Investigated matters on behalf of clients involving alleged securities violations, fraud, and conversion.
- Acted as lead counsel in FINRA arbitration involving alleged securities violations.
- Obtained dismissal of lawsuit alleging fraud and conversion in connection with factoring agreement for accounts receivable.
- Tried jury case and gave the closing argument in a lawsuit that resulted in a \$3.5 million verdict on claims of fraud, unjust enrichment, and conversion. *Agnew v. Agnew*, No. 2011-L-6819 (Ill. Cir. Ct.), *aff'd*, 13-2901 (Ill. App. Ct.).
- Obtained Sixth Circuit appeal holding that insurer only owed a *pro rata* share of defense and indemnity and that insurer was entitled to recoup more than \$2 million from its insured. *Cont'l Cas. Co. v. Indian Head Indus.*, 666 F. App'x 456 (6th Cir. 2016).
- Obtained reversal of bankruptcy court's order confirming a 524(g) plan of reorganization. *In re Plant Insulation Co.*, 734 F.3d 900 (9th Cir. 2013).
- Obtained summary judgment for insurer in coverage dispute for millions of dollars on the basis that plaintiff did not timely report the claim and did not qualify as an additional insured under the policy. *Dovenmuehle Mortg., Inc. v. Underwriters at Lloyd's, London*, No. 16SL-CC01526 (St. Louis Cty., Mo.), *aff'd*, 2018 WL 6767441 (Mo. Ct. App. Dec. 26, 2018).
- Represented insurer in 524(g) bankruptcy proceeding that resulted in a dismissal of the case and with no payment from the insurer. *In re Eagle, Inc.*, No. 2:2015-bk-12437 (E.D. La.).
- Obtained Seventh Circuit appeal addressing what constitutes "loss" under a D&O policy and clarifying the scope of the "mend-the-hold" doctrine. *Ryerson Inc. v. Fed. Ins. Co.*, 676 F.3d 610 (7th Cir. 2012).
- Obtained motion to dismiss lawsuit based on a "related claim" being made prior to the insurer's policy and

because the claim did not involve “professional services.” *Hilco Trading, LLC v Liberty Surplus Ins. Corp.*, No. 2012-CH-01580, 2012 WL 10901734 (Ill. Cir. Ct. Oct. 09, 2012).

- Obtained summary judgment for D&O insurer in \$10 million coverage dispute involving policyholder's sale of a subsidiary. *Ryerson, Inc. v. Fed. Ins. Co.*, 796 F. Supp. 2d 911 (N.D. Ill. 2010).
- Obtained asylum for an entire family in immigration court.
- Obtained partial summary judgment in favor of excess insurer in major environmental pollution coverage case in Madison County, Illinois, based on policies' pollution exclusion. *Apex Oil Co. v. Accident & Cas. Ins. Co. of Winterthur*, No. 2008-MR-00618 (Ill. Cir. Ct.).
- Represented clients in numerous class actions. *See, e.g., Truchalski v. Country Mut. Ins. Co.*, No. 14-CH-17909 (Ill. Cir. Ct.).

TOP AREAS OF FOCUS

- Business Litigation
- Financial Services Litigation
- Insurance + Reinsurance
- Securities Litigation

ALL AREAS OF FOCUS

- Asbestos Claims
- Business Litigation
- Consumer Financial Services
- Environmental Insurance Coverage
- Financial Services Litigation
- General Liability
- Insurance + Reinsurance
- Litigation + Trial
- Mass Torts Claims + Litigation
- Securities Litigation

PROFESSIONAL/COMMUNITY INVOLVEMENT

- President, Chicago Legal Clinic Auxiliary Board
- Member, Judicial Evaluation Committee, The Chicago Bar Association

EDUCATION AND CERTIFICATIONS

EDUCATION

- Vanderbilt University Law School, J.D., 2009
- Indiana University Bloomington, B.S., *with honors*, 2006

BAR ADMISSIONS

- Illinois

COURT ADMISSIONS

- U.S. District Court, Northern District of Illinois
- U.S. District Court, Central District of Illinois
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Northern District of Indiana
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit

PUBLICATIONS

- Co-author, "Navigating Change: First 100 Days Under the Trump Administration," *2025 Digital Asset Developments*, May 28, 2025.
- Co-author, "SEC's New Insider "Shadow Trading" Theory Survives Its First Test," *Troutman Pepper*, February 1, 2022.
- Co-author, "The Virginia Consumer Data Protection Act, the Colorado Privacy Act, and the Draft Connecticut Privacy Legislation: An Overview and Practical Guide," *The National Law Review*, November 2021.
- Co-author, "Not "Securities" — A Victory for Crypto-Related Products," *Troutman Pepper*, November 22, 2021.
- Co-author, "Noncompete Agreements and The Great Resignation," *Troutman Pepper*, August 13, 2021.
- Contributor, "D&O and Professional Liability Update 2017: A Year in Review," *Troutman Sanders*, February 8, 2018.
- Contributor, "D&O and Professional Liability Update 2016: A Year in Review," *Troutman Sanders*, February 27, 2017.
- Contributor, "D&O and Professional Liability Update 2015: A Year In Review," *Troutman Sanders*, March 26, 2016.