

2023 IL 129087

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

(Docket No. 129087)

ACUITY, a Mutual Insurance Company, Appellant, v. M/I HOMES
OF CHICAGO, LLC, *et al.* (M/I Homes of Chicago, LLC, Appellee).

Opinion filed November 30, 2023.

CHIEF Justice

Justice J. ...

¶ 15 The court questioned the different outcomes in the case law based on whether the insured was a general contractor or a subcontractor, and it further questioned “whether, when, and why these terms would mean something different for different parties insured under the same policy.” *Id.* ¶ 42. The court additionally observed that commentators have criticized the approach to coverage taken by Illinois cases, noting that the cases do not adhere to principles of contract interpretation and are inconsistent with the trend of cases throughout the country. *Id.* ¶¶ 37-38.

¶ 16 Given the parties’ concession, however, the appellate court found it unnecessary to answer these myriad questions but raised them hoping that this court could clarify the issue.

Marine Corp., 154 Ill. 2d at 108-

that result, another result, unintended and unexpected, and not the rational and probable consequence of the intended act, in fact, occurs, such unintended result

¶ 64

III. CONCLUSION

¶ 65

In sum, taking the allegations in the underlying complaint in the light most