

FIRST DIVISION
September 30, 2011

No. 1-10-2769

PEKIN INSURANCE COMPANY,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County
)	
v.)	No. 09 CH 15303
)	
XDATA SOLUTIONS, INC., an Indiana Corporation)	Honorable Stuart E.
and TARGIN SIGN SYSTEMS, INC., an Illinois)	Palmer,
Corporation,)	Judge Presiding.
)	
Defendants-Appellees.)	

JUSTICE KARNEZIS delivered the judgment of the court, with opinion.
Presiding Justice Hoffman and Justice Hall concurred in the judgment and opinion.

OPINION

¶ 1 Plaintiff-appellant Pekin Insurance Company appeals from an order of the circuit court in favor of defendants-appellees XData Solutions, Inc., and Targin Sign Systems, Inc., finding that Pekin had a duty to defend and indemnify XData in an underlying class action lawsuit filed by Targin. On appeal, Pekin contends: (1) it had no duty to defend XData in the underlying lawsuit because the "advertising injury" provision in the insurance policy did not apply to alleged violations of the Telephone Consumer Protection Act (TCPA) (47 U.S.C. § 227 (2006)); (2) it had no duty to defend XData