

Jeremy King Quoted in Law360 on How Meta's MDL Suit May Be a Preview Of Social Media Companies' Fortunes

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Chair of Olshan's Insurance Coverage Practice Jeremy King was quoted in a Law360 article (subscription required) on the Delaware suit by Meta's insurers to free them from defending numerous lawsuits alleging the company deliberately designed addicting platforms. Hartford Casualty Insurance Co. and Sentinel Insurance Co. Ltd. challenge their obligation to defend Meta against claims from state attorneys general and school districts, contending that their policies do not cover increased expenditures like mental and behavioral health services and educational resources. Jeremy noted that, if the court applies California law, where Meta is headquartered, it may rely upon a body of law dealing with coverage for environmental property damage, which has precedent that parallels the insurers' claim that Meta "expected or intended injury" in its business. "You frequently hear, particularly from the insurance industry, that there's no coverage for intentional acts, and that itself is not really a fair characterization of the law," he said. "The true test applied by the court is whether or not you intended the harm or the damage that resulted, not whether you intended the act in the first place." Jeremy further explained that other intent behind the implementation of allegedly harmful features in Meta's product could trigger the duty to defend. Jeremy noted that the case was distinct and worth paying attention to because of emerging and developing understandings of the injuries alleged. It is not a "cookie-cutter of an injury, asbestos-type case."

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