

Wiley Rein Industry Brief Quoted in *Law360* Story on Important Fourth Circuit Cyber Insurance Case

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Wiley Rein LLP's *amicus* brief was quoted in a March 23 *Law360* story on a significant cyber insurance case before the U.S. Court of Appeals for the Fourth Circuit. The brief—prepared by Laura A. Foggan, chair of Wiley Rein's Insurance Appellate Practice, and associate Matthew W. Beato—was filed on behalf of two industry groups, the American Insurance Association and the Complex Insurance Claims Litigation Association.

According to the article, the Fourth Circuit heard arguments today regarding whether The Travelers Indemnity Company must defend Portal Healthcare LLC—a medical records company policyholder—against a class action claim that Portal failed to secure a server and confidential patient records therefore could be accessible to unauthorized users. It's a case industry insiders believe will help determine whether data breach coverage will be found under commercial general liability (CGL) policies. A federal court in Virginia had previously found that Travelers was required to provide coverage to Portal under a provision in the insurer's CGL policy.

As reported by *Law360*, Wiley Rein's brief stated that coverage for cyber-related claims "can't be shoehorned" into the terms of a standard CGL policy and pointed out that a "separate, robust" market exists for cyber insurance policies addressing claims like those faced by Portal.

If the Fourth Circuit affirms the district court's decision, the trade groups cautioned, it would "undermine the certainty and

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predictability” that is essential to the proper functioning of the insurance markets.

To read the full article, please [click here](#).