

U.S. Covid 19 Insurance Litigation in Sports & Entertainment Industries

Tom Baker

University of Pennsylvania

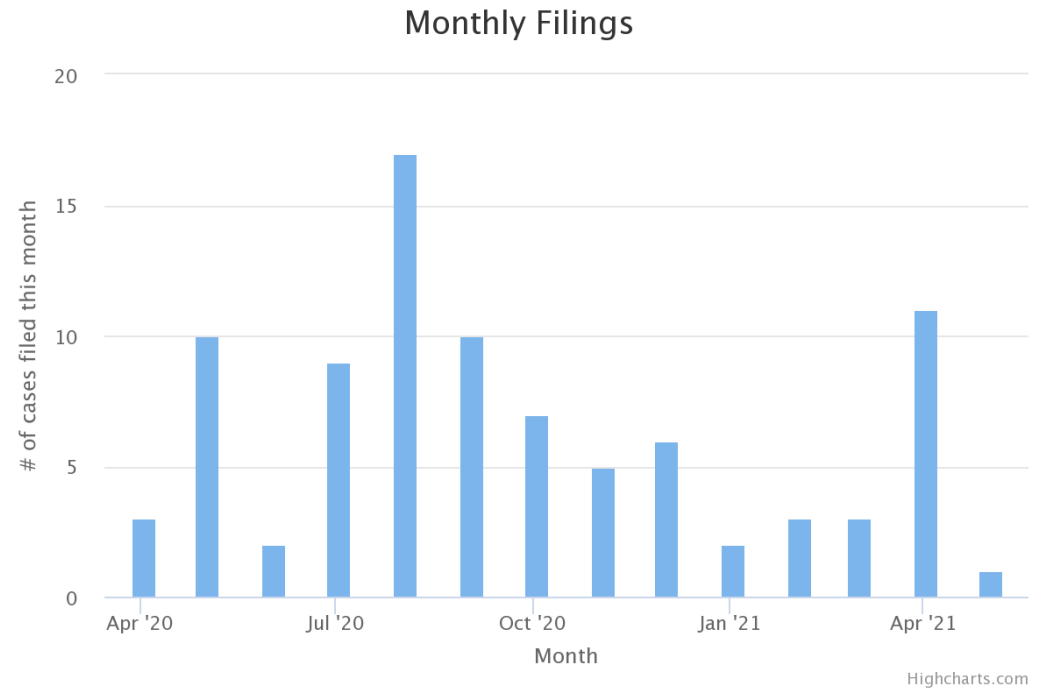
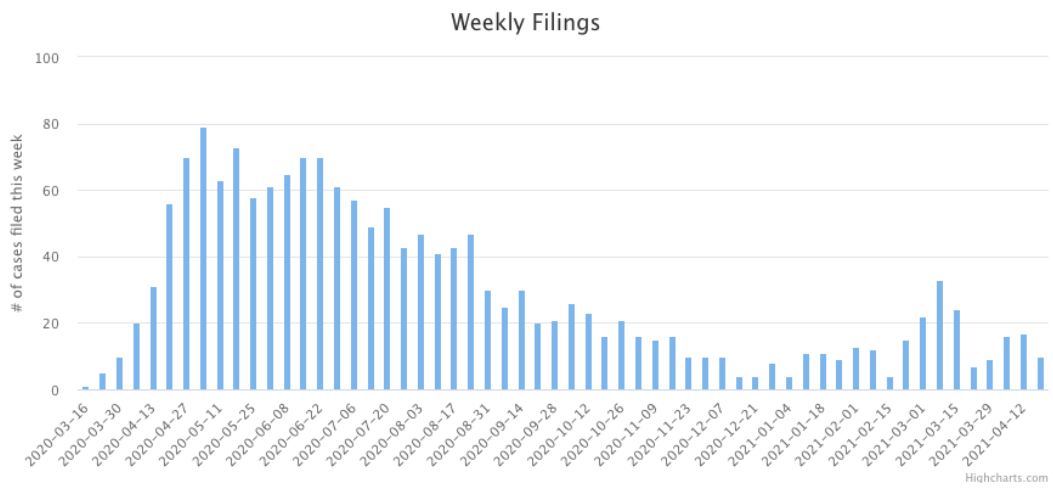
Insurance Cases by NAICS interactive

Full Screen

- 512110 - Motion Picture and Video Production ×
- 512131 - Motion Picture Theaters (except Drive-Ins) ×
- 711110 - Theater Companies and Dinner Theaters ×
- 711190 - Other Performing Arts Companies ×
- 711130 - Musical Groups and Artists ×
- 711211 - Sports Teams and Clubs ×
- 711212 - Racetracks ×
- 711310 - Promoters of Performing Arts, Sports, and Similar Events with Facilities ×
- 711320 - Promoters of Performing Arts, Sports, and Similar Events without Facilities ×
- 711410 - Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures ×
- 711510 - Independent Artists, Writers, and Performers ×
- 713110 - Amusement and Theme Parks ×
- 713210 - Casinos (except Casino Hotels) ×
- 713290 - Other Gambling Industries ×
- 713910 - Golf Courses and Country Clubs ×
- 713920 - Skiing Facilities ×
- 721120 - Casino Hotels ×
- 921150 - American Indian and Alaska Native Tribal Governments ×

89 cases

[Download CSV](#)



1649 cases

[Download CSV](#)

Data	Filings	Merits Rulings	Termination Summary	
				# of Cases
Voluntarily dismissed				239
Dismissed by court order without prejudice				60
			On the merits	Not on the merits
			24	36
Dismissed by court order with prejudice				177
			On the merits	Not on the merits
			160	17

+ 118 cases on appeal
229 "answered" cases (i.e. answer & no pending MTD)

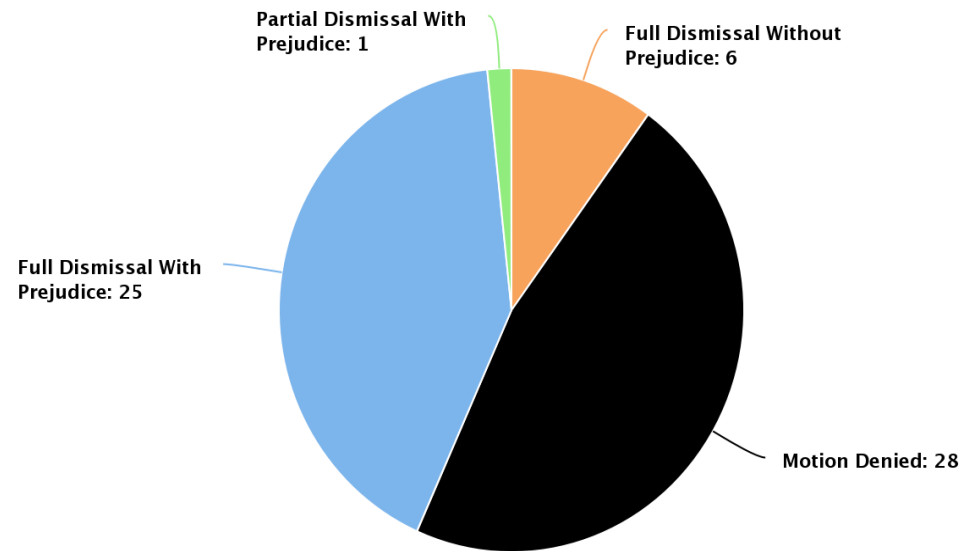
89 cases

[Download CSV](#)

Data	Filings	Merits Rulings	Termination Summary	
				# of Cases
Voluntarily dismissed				4
Dismissed by court order without prejudice				3
			On the merits	Not on the merits
			1	2
Dismissed by court order with prejudice				3
			On the merits	Not on the merits
			2	1

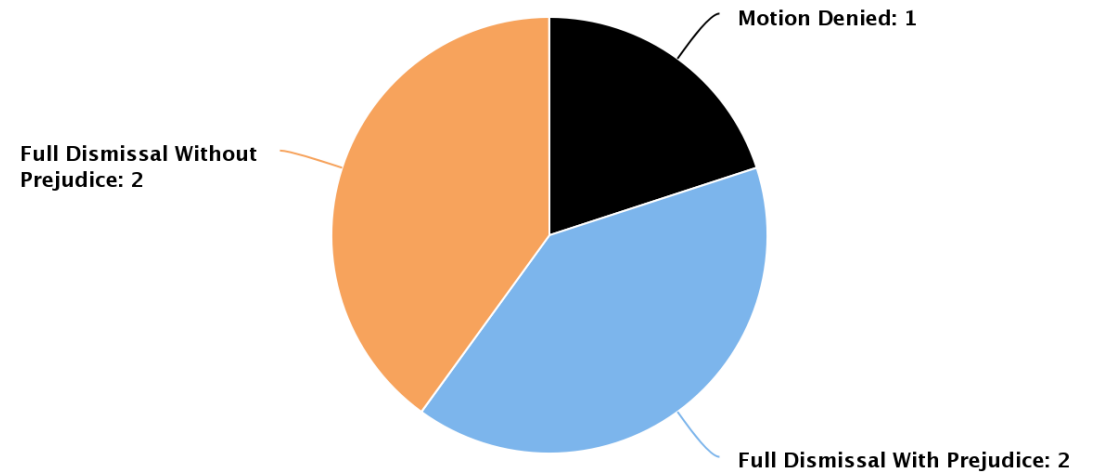
+ 10 cases on appeal
??? "answered" cases

Merits Rulings on Motions to Dismiss in State Court



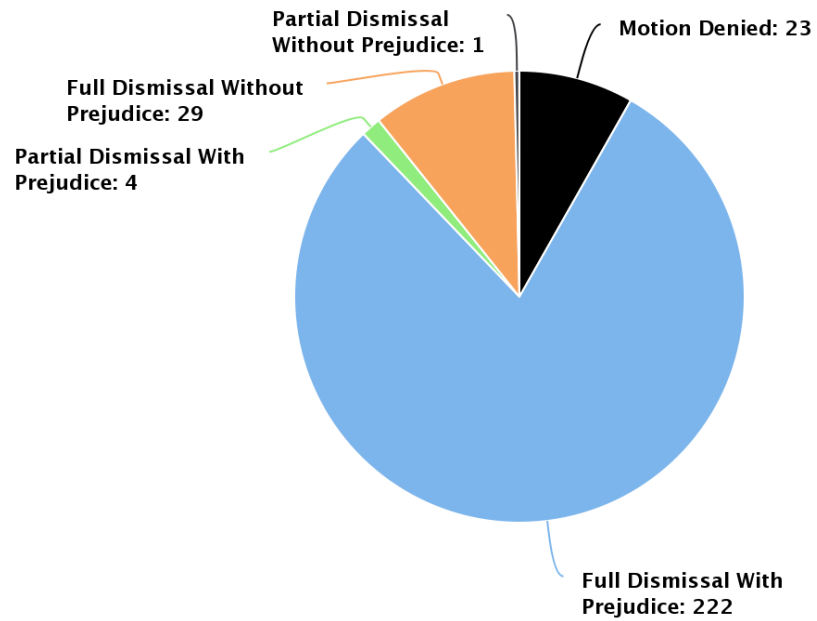
Highcharts.com

Merits Rulings on Motions to Dismiss in State Court



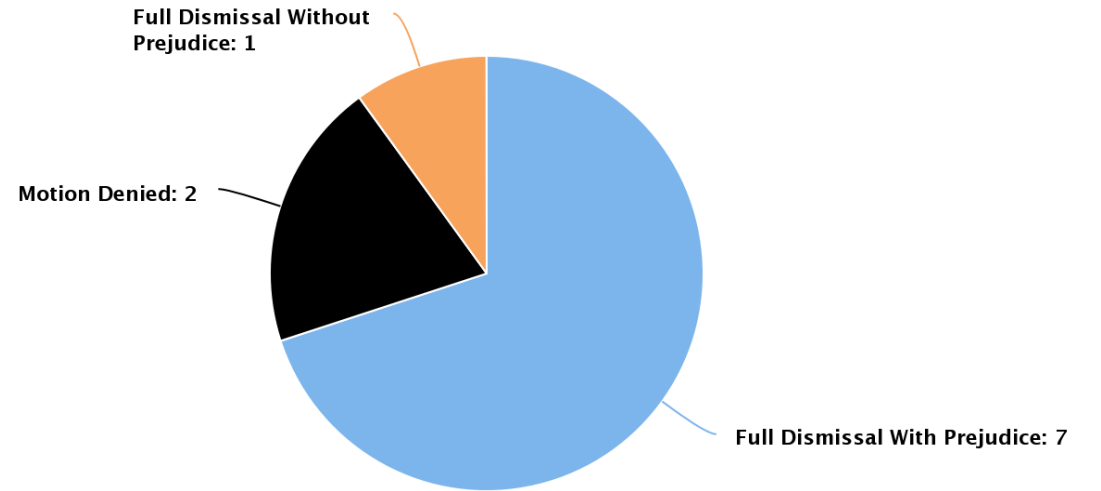
Highcharts.com

Merits Rulings on Motions to Dismiss in Federal Court



Highcharts.com

Merits Rulings on Motions to Dismiss in Federal Court



Highcharts.com

	Virus exclusion in policy		No virus exclusion in policy	
	State Count	Federal Count	State Count	Federal Count
MTD granted		198		83
		175		75
MTD denied		21		28
		10		12
Insurer MSJ granted		9		5
		5		2
Policyholder MSJ granted		3		4
		1		0
Insurer MSJ denied		0		1
	0	0	1	0

Established commercial insurance coverage practice group	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Chambers ranked for insurance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
American College of Coverage Counsel	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Established commercial insurance coverage practice group	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Chambers ranked for insurance	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
American College of Coverage Counsel	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

	VIRUS EXCLUSION IN POLICY	NO VIRUS EXCLUSION IN POLICY
MTD granted	180	71
MTD denied	8% 15	22% 20

	VIRUS EXCLUSION IN POLICY	NO VIRUS EXCLUSION IN POLICY
MTD granted	20	14
MTD denied	23% 6	39% 9

Data we are collecting:

- Data you can get from other places, too (PACER, state court electronic dockets & services that resell that information):
 - Court, docket number, judge(s), law firms, key events
 - Documents from the case: complaints, removals, remand motions/orders, MTD, SJ motions, merits orders, appeals
 - **Our contribution:** ID state cases from multiple sources, extract wheat from chaff from within sources of data, follow cases across courts/electronic services, uniform coding of data independent of original data source, real time crowd sourcing of judicial rulings.
- **Hand coded data not captured anywhere else:**
 - Coverage sought, whether bad faith alleged
 - Proposed classes
 - Insurance policies identified, downloaded, and broken into insurance forms, which are coded.
 - BI policy limits & other characteristics of claims
 - Zip code and NAICS of policyholders
 - Insurance companies coded by parent group

CCLT Research objectives

- Develop new methods to identify, track, and understand emerging “case congregations” in real time.
- Provide objective, reliable information about this case congregation to judges, lawyers, the press.
- Some specific research topics:
 - **Evaluate whether federal judges are following *Erie***
 - Develop methods to identify (Bayesian) updating events in real time and retrospectively, and to track the updating process
 - Develop methods to evaluate, and update the evaluation of, portfolios of cases within an emerging case congregation
- Ancillary but important: document the reluctance of private insurers to provide this protection and help motivate them to support an optimal government backstop