**2021 PARMA ANNUAL RISK MANAGERS CONFERENCE**

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**Remote Access Via Zoom**

**How COVID-19 Has Changed the Insurance Landscape from an Underwriting and Claims Perspective**

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1. Introduction

The purpose of this session is discuss how the worldwide pandemic involving the novel coronavirus known as COVID-19 is has affected and is currently affecting the insurance market, including its effects on the property and liability markets, and coverage issues associated with COVID-19 that have arisen over the past year. By way of background, Governor Gavin Newsom declared a State of Emergency in California based on the coronavirus outbreak on March 4, 2020.[[1]](#footnote-2) Subsequently, the World Health organization declared COVID-19 a global pandemic on March 11, 2020, [[2]](#footnote-3).

* 1. Ongoing Coronavirus Coverage Litigation

According to a complaint tracker maintained by the law firm Hunton Andrews Kurth LLP, there were 7,962 coronavirus-related complaints filed between January 30, 2020 and January 15, 2021, of which 1,406 have involved insurance.[[3]](#footnote-4) In addition, the University of Pennsylvania Law School maintains a COVID Coverage Litigation Tracker, which currently displays data between March 16, 2020 through December 11,2020, and which reports that there have been a total 1,450 coverage cases filed involving the novel coronavirus.[[4]](#footnote-5)

1. How COVID-19 Has Affected The Insurance Markets
	1. Property Insurance Market
		1. Business Interruption Insurance

According to a tracker maintained by the University of Pennsylvania law school, there were 150 cases filed between July 15, 2020 and January 18, 2021 involving “Business Interruption” claims as part of property policy coverage.[[5]](#footnote-6)

* + - 1. Coverage Issue: Physical Loss “Of” Property Versus Physical Loss “To” Property

Many of the current business interruption cases revolve around judicial interpretations of the applicable policy’s insuring language concerning direct physical loss “of” or “to” property. In *Mudpie, Inc. v. Travelers Casualty Insurance Company of America,[[6]](#footnote-7)* for example, District Court Judge Jon S. Tigar elaborated at some length on this difference. The policy language at issue in *Mudpie, Inc.* stated, in part:

We will pay for the actual loss of Business Income you sustain due to the necessary “suspension” of your “operations” during the “period of restoration”. The “suspension” must be caused by direct physical loss of or damage to property at the described premises. The loss or damage must be caused by or result from a Covered Cause of Loss.

(Emphasis added.)

Judge Tigar, relying on *MRI Healthcare Center of Glendale, Inc. v. State Farm General Ins.* Co.[[7]](#footnote-8), distinguished between the loss “of” property as opposed to a loss “to” property, reasoning that “ ‘ “loss of” property contemplates that property is misplaced and unrecoverable, without regard to whether it is damage.’ ” “damage to” would render the latter part of the coverage stating “or damage to” meaningless. Thus, coverage for “loss of” property could include the permanent dispossession of the property.

In its complaint, Mudpie alleges that compliance with state and local orders regarding the coronavirus “has caused direct physical loss of Mudpie's insured property in that the property has been made useless and/or uninhabitable; and its functionality has been severely reduced if not completely or nearly eliminated.” Mudpie alleged that this was a “direct physical loss of” its property. However, Judge Tigar noted that Mudpie was not permanently deprived of its storefront, but rather only temporary dispossessed while the Stay-At-Home orders were in effect. Thus, Judge Tigar concluded, Mudpie did not suffer a “loss of” their property.

* + - 1. Coverage Issue: Physical Loss Must Be Caused By COVID-19

Courts have also carefully scrutinized whether commercial policyholders have actually alleged the physical presence of COVID-19 in their business as the cause of loss. In *Mudpie*, Judge Tigar noted that the plaintiff did not allege that the actual presence of COVID-19 caused a loss, but rather alleged that the loss was due to the business’s compliance with a Stay-At-Home order.[[8]](#footnote-9) Another District Court in Northern California likewise dismissed a complaint where the policyholder alleged an “imminent threat” of coronavirus .[[9]](#footnote-10) However, in cases where the policyholder has been able to allege the actual presence of coronavirus in their business causing the business to close, courts have generally found that there has been a “physical loss” of the property.[[10]](#footnote-11)

* + - 1. Coverage Issue: Civil Unrest Coverage

An unmistakable trend of the last year was amount of protests that occurred in the United States, ranging from protests surrounding the death of George Floyd to the recent event which occurred in Washington D.C. Although most commercial property insurance claims will cover damage due to civil unrest, coronavirus closure orders will complicate the issue. For example, if a business is currently closed due to the coronavirus, how does one quantify its losses?[[11]](#footnote-12) Insurers will likely argue for a valuation model which looks at the business activity immediately before the loss while insureds will like want a model which looks at their standard of loss for a given month.

* + - 1. Coverage Issue: The “Virus Exclusion”

Many property insurance policies contain a so-called “virus exclusion” for loss resulting from a virus similar to the following:

[L]oss or damage caused “directly or indirectly” by “[a]ny virus, bacterium or other microorganism that induces or is capable of inducing physical distress, illness or disease.”[[12]](#footnote-13)

Insurers appear to be winning the majority of coverage lawsuits brought based on the virus exclusion as shown by the table below:

|  |  |  |
| --- | --- | --- |
|  | Virus Exclusion in Policy | No Virus Exclusion  |
| Motion to Dismiss Granted | 84 | 29 |
| Motion to Dismiss Denied | 13 | 14 |
| Insurer Motion for Summary Judgment Granted | 5 | 1 |
| Policyholder Motion for Summary Judgment Granted | 1 | 1 |

[[13]](#footnote-14)

At least one Federal district court has rejected an insurer’s claim that a virus exclusion precluded coverage for business interruption insurance. In *Elegant Massage, LLC v. State Farm Mutual Automobile Insurance Company*[[14]](#footnote-15) the insured “neither alleg[ed] that there is a presence of a virus at the covered property nor that a virus is the direct cause of the property's physical loss” but rather alleged that the loss was due to the state’s Stay-At-Home order. Further, the court noted that the plaintiff’s property, a spa, was designated a “hotspot” for coronavirus and selectively restricted from reopening. These factors led the court to hold that the insurer failed to meet its burden in proving the “Virus” exclusion applies. In so holding, however, the court in *Elegant Massage, LLC* did not address the question of whether the virus exclusion is applicable to bar a COVID-19 claim. Presently, there have been at least 11 appeals by policyholders from denials of coverage based on the virus exclusion.[[15]](#footnote-16)

* + - 1. Coverage Issue: Civil Authority Coverage

Businesses make likewise look to their civil authority coverage to recoup losses related to COVID-19. A typical civil authority coverage provision states, as follows:

We will pay for the actual loss of Business Income you sustain and necessary Extra Expense caused by action of a civil authority that prohibits access to the described premises due to direct physical loss of or damage to property, other than at the describes premises, caused by or resulting from any Covered Cause of Loss.[[16]](#footnote-17)

Generally, civil authority coverage is reactive and not prophylactic, meaning that a physical loss or damage must precede the civil action, not the other way around. Where a civil order is put in place to prevent or preclude damage from occurring, but before any damage has actually occurred, courts have repeatedly rejected claims that such orders have a causal link to trigger civil authority coverage.[[17]](#footnote-18) Again, insurers and government entities should carefully scrutinize a plaintiff’s claim to determine the triggering event and whether an government order was issued preventatively or reactively to the COVID-19 outbreak.

* + - 1. Legislative Responses to Business Interruption Coverage

According to a report last updated in August 2020, in ten states, including California, legislation has been proposed that would require insurers to provide business interruption coverage for claims arising out of the coronavirus.[[18]](#footnote-19) California Assembly Bill 1552[[19]](#footnote-20) (“AB 1552”) would have created three rebuttable presumptions:

* With respect to coverage for general business interruption and extra expenses, a rebuttable presumption applies that COVID-19 was present on the insured’s property and caused physical damage to that property which was the direct cause of the business interruption.
* With respect to coverage for business interruption due to an order of civil authority, a rebuttable presumption applies that COVID-19 was present on property located within the geographical location covered by the order of civil authority and caused physical damage to that property which was the direct cause of the insured’s business interruption.
* With respect to coverage for business interruption due to impairment of ingress and egress, a rebuttable presumption applies that COVID-19 was present on the property of a third party and caused physical damage to that property which was the direct cause that prevented the ingress and egress to the insured’s property and resulted in the insured’s business interruption.[[20]](#footnote-21)

AB 1552 further provided that, while it was not intended to affect the “applicability of any policy provision, including any language addressing loss or damage caused by a virus, however “COVID-19 shall not be construed as a pollutant or contaminant for purposes of any exclusion within a commercial insurance policy unless viruses are expressly included in that exclusion policy language.” However, AB 1552 did not pass the California State Senate and has not become law..[[21]](#footnote-22)

* + 1. The Number Of Property Insurance Claims May Trend Downward Moving Forward

There is good evidence to think that the volume of property insurance claims may continue to trend downward as the pandemic stubbornly persists. For example, the ABA Journal noted that, because of decreased attendance in baseball stadiums, claims against Major League Baseball as well as their respective stadiums will likely see a sharp decline.[[22]](#footnote-23) This trend is likewise applicable to other business, governmental or quasi-governmental entities which previously experienced a large amount of public attendance and use. In 2021, one of the largest unknowns will be the adjustments made once such businesses and entities begin to reopen.

* 1. Liability Insurance Market
		1. Motor Vehicle Insurance
			1. There Are Less Cars On The Road

According to the Federal Highway Administration total cumulative travel for 2020 has decreased 13.9% or 380.7 billion vehicle miles. The cumulative estimate for 2020 is 2,351.9 billion vehicle miles traveled.[[23]](#footnote-24) The Freight Transportation Services Index, which measures commercial vehicle travel on the roads, reported a decline in freight traffic beginning in February 2020 but a slight increase in freight traffic since April of 2020.[[24]](#footnote-25) However, this increase has still not reached the pre-pandemic levels of freight traffic.

* + - 1. Car Insurance Premiums Decreased in 2020

The pandemic and its impact on society in the United States resulted in, among other things, reduced road travel. In October 2020, for example, the four largest states (California, Texas, Florida and New York) experienced an average reduction in road usage of 9.7%.[[25]](#footnote-26) According to a report filed by Progressive with the Michigan Department of Insurance, it reported a 28.7% drop in accident claims in March 2020 compared to a year earlier and claims were down 31.9% between February and March of this year.[[26]](#footnote-27) At the same time, Progressive reported net income for April and May of $1.3 billion. The combination of excess collections and reduced losses such as that reported by Progressive likely led insurers to issue premium refunds to their insureds.

* In 2020, the 10 largest auto insurers responded to reduced driving during the pandemic, and therefore fewer claims, by offering drivers a discount on premiums, ranging from 25-50% of their premiums or one-time premium refunds, usually in the amount of $50.[[27]](#footnote-28)
* In June 2020, the Insurance Information Institute reported that U.S. auto insurers were set to return $14 billion.[[28]](#footnote-29)
* The California Department of Insurance has reported that California automobile insurers returned $1.03 billion in premium relief to 18 million policy holders for the months of March, April, and May and are slated to provide an additional relief in the amount of $180 million in future insurance increased which have been reduced.[[29]](#footnote-30)

The net effect of these factors led to a decrease in car insurance premiums by 1.6% nationally in 2020.[[30]](#footnote-31)

* + - 1. Declining Overall Claims Leads To Increase In Customer Satisfaction

According to the J.D. Power 2020 U.S. Auto Claims Satisfaction Study, repairable claims have declined 22% since the pandemic started.[[31]](#footnote-32) This decline in claims has allowed the industry to catch up on claims handling and increase customer satisfaction.

* Customer satisfaction, measured on a 1,000 point scale, has increased 4 points from 868 to 872, a record high.
* The time cycle for a claim has decreased from 12.6 days pre-pandemic to 10.3 days during the pandemic
* 76% of claimants say they will “definitely renew” with their existing insurer, as compared to 72% pre-virus.[[32]](#footnote-33)
	+ - 1. Total Claims Are Down, But Their Severity Is Increasing

The Insurance Information Institute reported that nationally there has been a 4% increase in traffic fatalities.[[33]](#footnote-34) In addition, the National Highway Traffic Safety Administration (“NHTSA”) reported that the number of people killed compared to the number of overall miles traveled rose in 2020 from 1.06 deaths per 100 million vehicles miles traveled to 1.25 in 2020 — an increase of nearly 18%. This figure only worsened, nearly doubling in the second quarter of 2020 to 1.42 deaths per 100 million miles.[[34]](#footnote-35)

In an open letter to drivers, NHTSA stated, “fewer Americans drove but those who did took more risks and had more fatal crashes.”[[35]](#footnote-36) NHTSA reported the following

* Vehicle fatalities involving alcohol increased to 26.9% by mid-July from 21.3% in March 2020
* The presence of marijuana was seen in 21.4% of fatal accidents in March and increased to 31.2%.
* Opioid-related incidents also increased from 7.6% to 12.9%
* 65% of drivers tested positive for one or more active drugs in their system; before the COVID-19 pandemic, this number was 50.8%.

In addition, this increase in fatalities may also be due to an increase in speeding. For example, for 2020, the Solano County CHP reported a 22% increase in citations for speeding and a grim 58% increase in citations for speeds in excess of 100 mph.[[36]](#footnote-37) Further, although various states lifted their Stay-At-Home orders in the latter part of 2020, traffic fatalities still increased. 11,260 people died on U.S. roads in the third quarter of 2020, up from 9,953 in the same three-month period in 2019.[[37]](#footnote-38)

* + - 1. Dynamic Pricing Models Gain Traction

Dynamic pricing, also known as time-based or data-driven pricing, is one of the strategies being used more frequently by businesses to set flexible prices for their products based on current market feedback. Dynamic Pricing is very common in industries like transportation, entertainment and retail, but less so in insurance, in part due to more extensive regulations. In the insurance context, an insurer can potentially modify the premium being charged up or down depending on data gleaned from telematics indicating how safely or recklessly a driver is operating a vehicle. Based on a recent survey by Arity, an insurance telematic platform, drivers are more receptive to data-driven policies.

* In response to a survey in May of 2019, 875 licensed drivers over the age of 18 indicated that they were “very or extremely comfortable” with sharing this data to optimize their insurance premiums, such as how many miles they drive, distracted driving, speeding, and when and where they drive.
* In May 2020, Arity re-ran this survey with 1,000 drivers, reporting a 12% increase in positive responses, indicating that about 50% of drivers are now comfortable with this information being used.

If a competitive and sustainable data-driven dynamic pricing model is successful moving forward, insureds might put pressure on data-driven policies in other sectors of the insurance market outside of the automobile insurance industry.

* + 1. Employment Claims

According to a recent article posted by USA Today, more than 1,000 COVID-19 inspired workplace lawsuits were filed in 2020, with some estimates as high as over 1,400 lawsuits.[[38]](#footnote-39) Further, an employment law litigation tracker, which has collected data since March 12, 2020, notes the following:

* There have been 1570 cases filed nationally in response to COVID-19
* Of this total, 1,436 cases have been filed by individuals and 134 cases have been filed as class actions.
* California is the epicenter of litigation with 335 total cases filed [[39]](#footnote-40) .

According to an employment law litigation tracker, the types and number of lawsuits filed in California are, as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Type of Case | Federal | State | Shared Parental Leave | Class Action |
| Unspecified | 3 | 31 | 30 | 4 |
| Breach of Contract | 0 | 2 | 2 | 0 |
| Constitutional Claims | 0 | 2 | 2 | 0 |
| Discrimination | 13 | 154 | 159 | 8 |
| ERISA | 4 | 0 | 3 | 1 |
| Labor Relations | 3 | 1 | 4 | 0 |
| Leaves of Absence | 2 | 9 | 10 | 1 |
| Other Civil Litigation | 6 | 19 | 20 | 5 |
| Retaliation | 1 | 28 | 27 | 2 |
| Unfair Competition | 0 | 1 | 1 | 0 |
| Wage/Hour | 5 | 39 | 24 | 20 |
| WARN | 1 | 1 | 0 | 2 |
| Workplace Safety | 7 | 24 | 25 | 6 |
| Total | 45 | 310 | 306 | 49 |

* + - 1. Legislative Responses To Coverage For Essential Workers

In addition to the attempted enactment of AB 1552, relating to Business Interruption Coverage mentioned above, California Senate Bill 1159 (“SB 1159”) was enacted on September 17, 2020 regarding workers’ compensation claims. SB 1159 codifies and supersedes Governor Newsom’s Executive Order N-62-20, by establishing two rebuttable presumptions: 1st, that an “injury,” which includes illness or death resulting from the novel coronavirus, “arose out of and in the course of the employment,” and 2nd, that this “injury” is compensable.[[40]](#footnote-41) SB 1159 is currently in effect as California Labor Code §§ 3212.86, 3212.87, and 3212.88 and is set to expire on January 1, 2023. The presumptions of SB 1159 apply to employees in the following ways:

* All employees injured between May 19, 2020 and July 5, 2020
* Active firefighters, police, and healthcare workers injured after July 6, 2020
* All employees injured after July 6, 2020 who test positive during an “outbreak” and whose employer has five or more employees.

Except under limited exceptions, California’s Labor Code bars an employee injured while working from filing a lawsuit against their employer.[[41]](#footnote-42) Thus, the combination of the presumptions and the exclusive remedy under workers’ compensation will undoubtedly to an increase in workers’ compensation claims. Accordingly, there will likely be an increase in insurance premiums for workers’ compensation insurance for these employers and government entities moving forward.[[42]](#footnote-43)

* + - 1. Exceptions To The Exclusive Remedy Rule

Employers and government entities should be aware of the following exceptions to the exclusive remedy rule, which could be applicable to cases involving COVID-19 and, if applicable, would allow an employee to file a civil suit against their employer:

* + - * 1. Statutory Exceptions[[43]](#footnote-44)
* Physical Assault: an employee, or the employee's dependents in the event of the employee's death, may sue the employer for damages when the employee's injury or death is proximately caused by a willful physical assault by the employer.[[44]](#footnote-45) However, a prior California appellate decision has previously held that concealment of known, unsafe working conditions and failure to provide protective equipment does not constitute an “assault” under the California Labor Code.[[45]](#footnote-46)
* Fraudulent concealment: an employee may bring an action for an injury or disease which is aggravated by the employer’s fraudulent concealment of the injury or disease and its connection with the employment.[[46]](#footnote-47) Employers are not liable for an initial injury or infection but rather aggravation of an injury. However, as many employees have underlying conditions or comorbidities, this exception may be more prevalent moving forward.
* Fair Employment and Housing Act: FEHA prohibits an employer from, among other things, discriminating against a person in compensation or in terms, conditions or privileges of employment because of race.[[47]](#footnote-48) There has already been one lawsuit filed against Amazon alleging that it discriminated against employees based on race by, among other things, failing to provide adequate PPE to African-American employees as compared to Caucasian employees.[[48]](#footnote-49) The CDC reports that African-Americans make up 12.5% of coronavirus cases and 16.4% of deaths.[[49]](#footnote-50) According to the Mayo Clinic, the hospitalization rate among non-Hispanic Black people were “about 4.7 times the rate of non-Hispanic white people.”[[50]](#footnote-51)
* Whistleblower: employees in California may not be retaliated against for disclosing suspected violations of state or federal law to a government agency, law enforcement, or a regulatory agency. According to the Fisher Phillips tracker, there were 4,100 Federal OSHA claims filed in 2020.[[51]](#footnote-52) In addition, the report noted that 39% of whistleblower complaints filed from February 2020 through May 2020 (approximately 1,600) were directly related to COVID-19.
* Dual Capacity: an employee may sue their employer where the employer manufactures a product which is “sold, leased, or otherwise transferred” to a third party and the product is subsequently provided to the employee.[[52]](#footnote-53) Because this exception requires employers to manufacture a product, it will likely have very limited application. However, entities which manufacture personal protective equipment (“PPE”) should be aware of this potential exposure.
* Uninsured Employers: an employee or their dependents may sue an employer who fails to procure workers’ compensation insurance.[[53]](#footnote-54)
	+ - * 1. Trends Related to Employment Law Cases

Although many employment claims are still in the early stages of litigation, below are some of the trends that have appeared in 2020[[54]](#footnote-55):

* Safe Work Environment: In *Brooks v. Corecivic of Tennessee LLC[[55]](#footnote-56)*, an employee alleged that her employers failure to maintain a safe working environment constituted a constructive discharge of her employment.
* Leave and Retaliation: In *Kofler v. Sayde Steeves Cleaning Service, Inc.*,[[56]](#footnote-57) an employee who requested time off under the newly-enacted Families First Coronavirus Relief Act (“FFCRA”) and was subsequently terminated couldmaintain an action under the enforcement provision of the Fair Labor Standards Act (“FLSA”) incorporated into the FFCRA.[[57]](#footnote-58)
* Discrimination and Reasonable Accommodations: In *Bess v. District of Columbia*,[[58]](#footnote-59) an employee with the District of Columbia Department of Corrections alleged that her diabetes put her at higher risk for coronavirus but the department assigned her to a medical unit housing inmates suspected to have the disease. Further, in *Peeples v. Clinical Support Options, Inc.*,[[59]](#footnote-60) the court granted a plaintiff preliminary injunction request to work from home for 60 days. The plaintiff suffered from mild asthma and had previously worked from home but had subsequently been required to return to work, although their employer did provide KN95 masks and other PPE.
* Wage and Hour Claims: In *Emery v. Home Caregivers of Cookeville, LLC*,[[60]](#footnote-61) the court employees notice of certification for failure to pay overtime pay for “24/7” work during the COVID-19 pandemic holding, “[n]othing in the plain text of the FLSA suggests that a DOL-supervised settlement proceeding and a district court collective action cannot proceed at the same time.”
	+ - 1. Decreases In Premium Incomes For Policies Calculated Based On Payroll

Workers’ Compensation insurers, including California insurers, which use payroll as a factor in calculating premium rates, may expect to see a drop in premiums moving forward. According to the U.S. Bureau of Labor Statistics, the unemployment rate between November 2018 to February 2020 had remained around 4%.[[61]](#footnote-62) After February 2020, the unemployment rate spiked at over 14%. As of December 2020, the total nonfarm unemployment rate is 6.7%.

* + - 1. Adjusting to the Work-From-Home Model

According the Keith Goddard, the Director of the Directorate of Evaluation and Analysis of the U.S. Department of Occupation Safety and Health, “[i]njuries and illness that occur while an employee is working at home, including work in a home office, will be considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home and the injury or illness is directly related to the performance of work….”[[62]](#footnote-63) Mr. Goddard provided the following examples of what is and is not work related:

For example, if an employee drops a box of work documents and injures his or her foot, the case is considered work-related. If an employee's fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work-related. If an employee is injured because he or she trips on the family dog while rushing to answer a work phone call, the case is not considered work-related. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.[[63]](#footnote-64)

Insurers should be aware of the unique issues which may present themselves in the future based on this change in the workplace environment. For example, home offices likely do not comply with ergonomic practices. The goal of ergonomic practices is to reduces the risk of musculoskeletal disorders.[[64]](#footnote-65) On April 27, 2019, the Mayo Clinic put out a report with suggestions for employers to increase the ergonomics of an office, including providing an appropriate chair, placing often-used objects within reach, selecting an appropriate keyboard and mouse, and having proper clearance under a desk for one’s legs.[[65]](#footnote-66) Common workplace injuries which could be prevented by ergonomic solutions include carpal tunnel syndrome, tendinitis, and epicondylitis (an injury affecting the elbow). Though these injuries may seem insignificant, according to a Bureau of Labor Statistics study in 2019, the average days away from work in the private industry for all musculoskeletal disorders was 13.[[66]](#footnote-67) In addition, there are likely no witnesses to work-from-home injuries, making corroboration or claims management arduous as compared to similar injuries occurring in an office setting.

* + - 1. Coverage For The COVID-19 Vaccine Under Workers’ Compensation

As the COVID-19 vaccine becomes more widely available, employers should be cautious regarding whether they require an employee to be vaccinated to return to work. Under a mandatory vaccination policy, an employer would likely have to pay both for the vaccine and any health complications under workers’ compensation.[[67]](#footnote-68) Thus, choosing to mandate or strongly encourage getting the vaccine may pose some benefit, but may also will lead to increased exposure. The Equal Employment Opportunity Commission offers guidance about employer-mandated vaccine programs.[[68]](#footnote-69)

* + - 1. Frequency And Industries Affected By Employee Lawsuits Due To The Coronavirus Pandemic

The employment litigation tracker maintained by Fisher Phillips, collecting data between January 30, 2020 through the present, shows the following trends in California:

* Companies with 50 or fewer employees make up 40.6% of all cases.
* The health care industry makes up 70.6% of all cases.
* Claims against the government make up 3.4% of all cases.
	+ - 1. Potential Changes In Costs Of Cases

The coronavirus pandemic will present various issues with respect to costs and settlement of workers’ compensation claims.

* Increased prevalence of tele-healthcare and virtual physical therapy will likely impact rehabilitation times of workers, and probably not for the good.
* As hospital capacity continues to be stretched to accommodate patients infected with the coronavirus, elective surgeries for joint and back-related work injuries will likely be delayed and increase the risk of injury aggravation or medical complications.
* Insurers likely can expect a decrease in medical payments claims while anticipating an increase in wage replacement and pharmaceutical costs claims.
* In states which allow settlement for worker’s compensation claims, there will likely be an increase in plaintiffs willing to settle claims earlier.
	1. Other Considerations
		1. Premium Refunds May Not Be Confined to the Auto Industry

Although auto insurers were the catalyst for insurance premium refunds in 2020, other segments of the insurance industry may have to follow suit.

* On April 13, 2020, California Insurance Commissioner Ricardo Lara issued Bulletin 2020-3[[69]](#footnote-70) which ordered insurers[[70]](#footnote-71) to make initial premium refunds for the months of March and April.
* On May 15, 2020, Bulletin 2020-3 was extended to the month of May by Bulletin 2020-4.[[71]](#footnote-72)
* Subsequently, Commissioner Lara issued an Order[[72]](#footnote-73) on July 1, 2020, which mandated insurance companies to re-compute premium charges for workers’ compensation insurance, consistent with Bulletins 2020-3 and 2020-4.

Given the California Department of Insurance’s signaling of its desire to alleviate financial concerns of insureds by directing insurers to issue premium refunds, insurers can likely expect similar orders or bulletins from the Department in 2021 directing further premium refunds and expanding the scope to pick up other classes of insurance.

* + 1. Insurance Premium Rates Appear To Be Increasing Across The Industry

The Insurance Value Added Network Services (“IVANS”) Index, which measures 120 million transactions from 32,000 independent insurance agencies and 400 insurers, released its Q3 Premium Renewal Report which measures the premium difference year over year for various classes of insurance.[[73]](#footnote-74) For example, if an insured paid $1,000 for a policy the year before and $1,023 the year after, IVANS Index would classify that as a premium renewal rate change of 2.3%. The Q3 reports shows an increase in premiums for commercial auto, business owners, general liability and commercial property in 2020 as compared to 2019. However, workers’ compensation insurance premiums trended negatively throughout the year.

* + 1. Despite The Pandemic, Insurance Policies Are Being Renewed

As exemplified by the JD Power Report dated October 22, 2020, insurance policies are being renewed, despite the pandemic. In California, this could be due, in some part, to Commissioner Lara’s Notice posted on March 18, 2020 which requested that all insurers provider their insureds “with at least a 60-day grace period to pay insurance premiums” to prevent the cancellation of policies due to non-payment (emphasis added).[[74]](#footnote-75)

* 1. Anticipated Changes in the Future
		1. Prevalence Of Cyber Insurance As A Stand Alone Policy

As telecommuting and the work-from-home model become the new norm, governmental entities and businesses will be at an increased risk for cyber losses. Insurers or cyber insurers will likely begin to incorporate cyber insurance or create an entire standalone policy to insure against such losses.

According to Mordor Intelligence, the cyber security insurance market was valued at $7.36 billion in 2019 and is expected to have a compound annual growth rate of 24.30% between 2020 and 2025, reaching a projected valuation of $27.83 billion by 2025.[[75]](#footnote-76) Likewise, the S&P Global Ratings estimates that cyber insurance premiums total about $5 billion currently, but expect a 20-30% increase in the coming years.[[76]](#footnote-77)

1. Practical Considerations For the Investigation of Claims

Insurers, businesses, and governmental entities should be cognizant of the practical considerations of claim investigation and management moving forward. Because of the ongoing and persistent nature of the coronavirus pandemic, and its ability to be transmitted through the air and by other means, the manner in which claims are investigated, evaluated and resolved is significantly impacted.

* **Field investigations**

Consideration must be given to the risks posed to the adjusters, investigators and others as well as the risk to the public at large. Many insurers, claim adjusters, adjusting and investigation firms, risk consultants or managers and other allied parties have banned or severely restricted in performing field adjustments and investigations.

* **Witness interviews**

Witness who might otherwise be fully cooperative are more likely to decline cooperation out of concern for exposure, violation of public health orders, child care issues and a host of other limitations associated with the manner in which the coronavirus pandemic has upended society. Remote interviews and statements may be available via Zoom and other applications, but the issue then becomes one of the effectiveness of a remote interview or statement.

* **Ability or willingness of members to cooperate**

Employees and staff of members are likely to be working remotely or otherwise have limited availability because they are quarantining, recovering from illness, caring for family members, unavailable due to child care commitments, etc. The net effect is delay, lack of cooperation, less effective investigation and an overall reduction in the expediency and effectiveness of handling a claim.

* **Availability of governmental, law enforcement, and consultant resources**

Notwithstanding the essential nature of government services, law enforcement and expert consultants in various fields, such providers are likely to be understaffed (for all the same reasons affecting other employers) or offering reduced services. Again, the net effect is delay.

* **Governmental regulations and directives**

Regulators, such as Insurance Commissioners, have issued requests, recommendations and orders impacting the handling and resolution of claims during the coronavirus pandemic. These range from reminding insurers of the need to be vigilant and cooperative in working with claimants who may be adversely impacted, to outright orders prohibiting denials of coverage under certain circumstances until any state of emergency order associated with the coronavirus pandemic has been lifted.

Attached are examples of three Notices issued by the California Department of Insurance (“CDI”) in response to the handling of claims during the coronavirus pandemic:

* CDI Notice Dated March 18, 2020: Commissioner Ricardo Lara “intends to consider the extraordinary circumstances relating to the COVID-19 outbreak and the resulting disruptions to normal business operations when evaluating whether insurers and other Department licensees have complied with their respective legal and commercial obligations during the COVID-19 pandemic.”
* CDI Notice Dated March 18, 2020: Commissioner Lara “requested” that “all admitted and non- admitted insurance companies that provide any insurance coverage in California including, life, health, auto, property, casualty, and other types of insurance” provide their insureds with “at least a 60-day grace period” to pay their premiums.
* CDI Notice Dated April 3, 2020: Commissioner Lara indicated all licensees “should not attempt to enforce policy or statutory deadlines on policyholders until ninety (90) days after the end of the statewide "state of emergency" or other "state of emergency" that impacts a specific policyholder.”
* CDI Notice Dated May 14, 2020: Commission Lara had received reports that various insurers were “unfairly taking advantage of the COVID-19 crisis” by “unjustifiably low settlement offers knowing financial need is high and recourse to the civil court system in the state is currently severely limited.” This notice set forth several practices that constitute unfair methods of competition under the California Unfair Practices Act, codified as California Insurance Code section 790.03(h), and informed insurers that Commissioner Lara and the CDI would be pursuing all available remedies against any person in violation of this Act.
* **Access and travel**

Many states and jurisdictions have limited travel, access to services and imposed quarantine requirements. The limitations and rules can vary widely from city to city, county to county and state to state, and must also be taken into account in considering the most appropriate manner in which to handle a claim.

* **Claim resolution**

Conversely, settlement opportunities may be presented which can result in saving business relationships or future costs. Thus, remote mediations and other remote dispute resolution proceedings appear to be more widely accepted and will most likely become more common in the future.

1. Litigation considerations regarding insurance claims

It is likely that courts will remain closed or with limited capacity moving into 2021[[77]](#footnote-78). Further, there is undoubtedly a backlog of cases brought on by previous closures or delays in 2020. Thus, as the potential for trials decreases and financial concerns put pressure on plaintiffs and their counsel, there may be a growing trend to settle claims more quickly or below policy limits moving forward. Conversely, when the pandemic subsides and courts resume full operation, risk managers should expect a flood of activity with some Judges pushing parties and counsel hard to litigate and try cases swiftly in order to reduce the backlog.

The coronavirus is also materially impacting litigation in other ways.

* Otherwise tech-reluctant lawyers are being forced to develop an awareness of how telework, videoconferencing, paperless processes, and securely handling and transferring client data files can make life easier and save costs.
* Litigators have historically resisted anything other than in-person, face-to-face depositions, mediations, arbitrations and trials. It is also indisputable that the pandemic, and associated public health orders, have forced litigators to face the reality of a Zoom-controlled litigation practice. Questions remain about the effectiveness of arguments held via computer where lawyers and Judges may find it difficult to communicate. both because of technological issues and because of not being in the same location with the non-verbal cues that human-to-human contact allows. In addition, the ability to assess the credibility of a witness over a computer or phone is generally regarded as less than ideal.
* Lingering concerns remain, moreover, about the difficulty of managing document-intensive cases, avoiding inadvertent disclosure and whether jurors are paying attention or engaging in texting, emailing, net surfing and other distractions. Remote, virtual trials have taken place and continue to occur in increasing numbers. Lawyers who have participated in such trials have, for the most part, deemed the process and the result acceptable. Nevertheless, litigators continue to harbor reservations about virtual trials in complex or high exposure cases.
* In the federal court system, overall case filings (excluding product liability cases) for the first 10 months of 2020 were down 10% from 2019. Looking at only March through October, case filings were down 12% in 2020 compared to 2019. May had the biggest drop-off in case filings. Case filings were 26% lower in May 2020 than May 2019.
* Copyright, bankruptcy, and torts saw the biggest decrease in case filings in 2020 compared to 2019. This finding confounds the prediction early during the pandemic that bankruptcy filings would increase dramatically. However, many observers expect more pandemic-related bankruptcy and torts cases to make their way into the federal courts in the coming years.
* The number of cases with findings (verdicts and judgments) were down in 2020 compared to the previous two years. Trials also plummeted in federal court in 2020 as there were only 477 cases with findings at trial compared to 980 cases with findings at trial in 2019 (a 51% drop).
* Federal District Courts are using a variety of measures to minimize, as much as possible, the inevitable delay in caseload disposition. The vast [majority](https://news.bloomberglaw.com/us-law-week/juries-halted-staff-sick-u-s-trial-courts-cope-with-covid-19) of the 94 U.S. District Courts have elected to restrict public access to courthouse facilities, halt jury trials, and/or encourage or require the use of teleconferences for hearings for certain proceedings. Many such orders mention exemption from the Speedy Trial Act which mandates that criminal trials begin at a certain time and cannot be delayed.
* Courts in some of the most seriously affected areas are using teleconferencing, email, and phone calls to deal with cases in which defendants are constitutionally entitled to a speedy trial.
* The U.S. Supreme Court began holding oral argument by telephone in 2020 for the first time in its venerated history. The process has not been without hiccups; observers claim they could hear a toilet flushing in the background during one session of telephonic oral argument.

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1. https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf [↑](#footnote-ref-2)
2. <https://pubmed.ncbi.nlm.nih.gov/32191675/>; WHO Director-General’s opening remarks at the media briefing on COVID19 -March 2020 [↑](#footnote-ref-3)
3. https://www.huntonak.com/en/covid-19-tracker.html [↑](#footnote-ref-4)
4. https://cclt.law.upenn.edu/ [↑](#footnote-ref-5)
5. https://cclt.law.upenn.edu/judicial-rulings/ [↑](#footnote-ref-6)
6. (N.D. Cal., Sept. 14, 2020, No. 20-CV-03213-JST) 2020 WL 5525171 [↑](#footnote-ref-7)
7. (2010) 187 Cal. App. 4th 766. [↑](#footnote-ref-8)
8. *Mudpie, Inc. v. Travelers Casualty Insurance Company of America* (N.D. Cal., Sept. 14, 2020, No. 20-CV-03213-JST) 2020 WL 5525171, at \*6; [↑](#footnote-ref-9)
9. *Water Sports Kauai, Inc. v. Fireman's Fund Insurance Company* (N.D. Cal., Nov. 9, 2020, No. 20-CV-03750-WHO) 2020 WL 6562332, at \*4 [alleging “imminent threat” of the coronavirus.] [↑](#footnote-ref-10)
10. *Studio 417, Inc. v. Cincinnati Insurance Company* (W.D. Mo., Aug. 12, 2020, No. 20-CV-03127-SRB) 2020 WL 4692385 [alleging presence of coronavirus in salons and restaurants]; *Blue Springs Dental Care, LLC v. Owners Insurance Company* (W.D. Mo., Sept. 21, 2020, No. 20-CV-00383-SRB) 2020 WL 5637963 [same in dental offices]. [↑](#footnote-ref-11)
11. https://www.businessinsurance.com/article/20200609/NEWS06/912335029/COVID-19-may-complicate-civil-unrest-interruption-claims. [↑](#footnote-ref-12)
12. Mauricio Martinez, D.M.D., P.A. v. Allied Ins. Co. of Am., No. 2:20-cv-00401-FtM-66NPM, 2020 WL 5240218, at \*2 (M.D. Fla. Sept. 20, 2020). [↑](#footnote-ref-13)
13. https://cclt.law.upenn.edu/judicial-rulings/ [↑](#footnote-ref-14)
14. *Elegant Massage, LLC v. State Farm Mutual Automobile Insurance Company* (E.D. Va., Dec. 9, 2020, No. 2:20-CV-265) 2020 WL 7249624. [↑](#footnote-ref-15)
15. <https://www.insurancejournal.com/news/national/2021/01/06/596259.htm> [↑](#footnote-ref-16)
16. CP 00 30 04 02. [↑](#footnote-ref-17)
17. *Syufy Enters. v. Home Ins. Co. of Ind.*, No. 94-0756 FMS, 1995 WL 129229, at \*2-3(N.D. Cal. Mar. 21, 1995) [holding that curfew orders imposed after the Rodney King verdict were imposed “to prevent ‘potential’ looting, rioting, and resulting property damage” thus a theater owner was not entitled to civil authority coverage]; *see also* *United Air Lines, Inc. v. Ins. Co. of State of Pa.*, 439 F.3d 128, 129, 134 (2d Cir. 2006) (affirming the district court's denial of coverage under a similar civil authority provision where the government's decision to halt airport operations on September 11, 2001 “was based on fears of future attacks” rather than prior physical damage to an adjacent property); *Jones, Walker, Waechter, Poitevent, Carrere & Denegre, LLP v. Chubb Corp.* (E.D. La., Oct. 12, 2010, No. CIV.A. 09-6057) 2010 WL 4026375, at \*3 [rejecting civil authority coverage for mandatory evacuation orders preceding Hurricane Gustave; “[r]eading the Civil Authority section as a whole, it is clear that it was not written with the expectation that a civil authority order prohibiting access would issue before the property damage that forms the basis of the order actually occurs. The direct nexus between the damage sustained and the order that the policy requires suggests that the Policy was designed to address the situation where damage occurs and the civil authority subsequently prohibits access”].) [↑](#footnote-ref-18)
18. https://www.venable.com/insights/publications/2020/04/states-begin-to-introduce-legislation-business. [↑](#footnote-ref-19)
19. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\_id=201920200AB1552. [↑](#footnote-ref-20)
20. 2019 California Assembly Bill No. 1552, California 2019-2020 Regular Session, 2019 California Assembly Bill No. 1552, California 2019-2020 Regular Session. [↑](#footnote-ref-21)
21. California Assembly Journal, 2017-2018 Rec. No. 20 [↑](#footnote-ref-22)
22. https://www.abajournal.com/web/article/baseballs-fans-will-be-missed-but-not-their-legal-headaches [↑](#footnote-ref-23)
23. https://www.fhwa.dot.gov/policyinformation/travel\_monitoring/20octtvt/ [↑](#footnote-ref-24)
24. https://www.transtats.bts.gov/OSEA/TSI/ [↑](#footnote-ref-25)
25. https://www.fhwa.dot.gov/policyinformation/travel\_monitoring/20octtvt/page6.cfm [↑](#footnote-ref-26)
26. https://chicago.suntimes.com/2020/7/3/21311409/automobile-insurance-coronavirus-refunds-progressive-state-farm-allstate-geico-illinois-michigan [↑](#footnote-ref-27)
27. https://www.propertycasualty360.com/2020/10/06/a-look-at-auto-insurers-responses-to-the-first-covid-19-wave/?slreturn=20210005111354 [↑](#footnote-ref-28)
28. https://www.iii.org/insuranceindustryblog/insurers-respond-to-covid-19-6-05-2020/ [↑](#footnote-ref-29)
29. https://www.insurance.ca.gov/0400-news/0100-press-releases/2020/release056-2020.cfm [↑](#footnote-ref-30)
30. https://www.valuepenguin.com/state-of-auto-insurance-2021 [↑](#footnote-ref-31)
31. https://www.jdpower.com/business/press-releases/2020-us-auto-claims-satisfaction-study?\_hsenc=p2ANqtz--7AUyb06\_Zgf-OpHndN1uqP1qdBDrSSBGT\_bHVLlyC8aD4g8Sd9r1-c85Lbo9StaY1lYPb5kEU2CYgqFtJgxkxW8BMFg&\_hsmi=98009523&hsCtaTracking=14406c19-1914-4cfb-8ef9-ef97956f073b%7C167b7562-25f2-4ac3-90a7-f43bd34d33b8 [↑](#footnote-ref-32)
32. Id. [↑](#footnote-ref-33)
33. https://www.iii.org/insuranceindustryblog/covid-19-impact-on-auto-insurance/ [↑](#footnote-ref-34)
34. https://www.propertycasualty360.com/2021/01/14/americans-are-driving-more-recklessly-in-the-pandemic-data-shows/?enlcmp=nltrplt2&kw=Americans%20are%20driving%20more%20recklessly%20in%20the%20pandemic%2C%20data%20shows&utm\_campaign=dailynews&utm\_content=20210114&utm\_medium=enl&utm\_source=email&utm\_term=pc360 [↑](#footnote-ref-35)
35. https://www.claimsjournal.com/news/national/2021/01/14/301480.htm [↑](#footnote-ref-36)
36. https://www.timesheraldonline.com/2020/12/10/chp-speeding-tickets-for-going-more-than-100-mph-on-the-rise-in-solano [↑](#footnote-ref-37)
37. https://www.claimsjournal.com/news/national/2021/01/14/301480.htm [↑](#footnote-ref-38)
38. https://www.usatoday.com/story/money/2021/01/05/covid-19-lawsuits-pandemic-spawned-over-1-000-workplace-lawsuits/4135280001/ [↑](#footnote-ref-39)
39. https://www.littler.com/covid-19 [↑](#footnote-ref-40)
40. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\_id=201920200SB1159 [↑](#footnote-ref-41)
41. Labor Code § 3600. [↑](#footnote-ref-42)
42. https://www.lexology.com/library/detail.aspx?g=63a683f9-13fa-42eb-bf7c-12429fe94681 [↑](#footnote-ref-43)
43. There are additional exceptions for failure to provide a guard on a power press [Labor Code § 4558] and uninsured employers [Labor Code § 3706] [↑](#footnote-ref-44)
44. Labor Code § 3600(b)(1). [↑](#footnote-ref-45)
45. *Gunnell v. Metrocolor Laboratories, Inc.* (2001) 92 Cal. App. 4th 710, 726. [↑](#footnote-ref-46)
46. Labor Code § 3600(b)(2). [↑](#footnote-ref-47)
47. (Gov. Code, § 12940, subd. (a) [↑](#footnote-ref-48)
48. *Smalls v. Amazon*, N.Y. (E.D.N.Y. 2020) Case No. 1:20-CV-05492 [↑](#footnote-ref-49)
49. https://covid.cdc.gov/covid-data-tracker/#demographics [↑](#footnote-ref-50)
50. https://www.mayoclinic.org/diseases-conditions/coronavirus/expert-answers/coronavirus-infection-by-race/faq-20488802 [↑](#footnote-ref-51)
51. https://www.fisherphillips.com/resources-alerts-covid-19-osha-whistleblower-claims [↑](#footnote-ref-52)
52. Labor Code § 3600(b)(3). [↑](#footnote-ref-53)
53. Lab. Code, § 3715 [↑](#footnote-ref-54)
54. <https://www.jdsupra.com/legalnews/covid-19-employment-litigation-trends-81384/>; <https://www.jdsupra.com/legalnews/covid-19-employment-litigation-trends-90706/> [↑](#footnote-ref-55)
55. No. 20-CV-994 DMS (JLB), 2020 WL 5294616 (S.D. Cal. Sept. 4, 2020) [↑](#footnote-ref-56)
56. No. 8:20-CV-1460-T-33AEP, 2020 WL 5016902 (M.D. Fla. Aug. 25, 2020) [↑](#footnote-ref-57)
57. 29 C.F.R. § 826.150(b)(2); 29 U.S.C. 216, 217 [↑](#footnote-ref-58)
58. No. 19-CV-3152 (JEB), 2020 WL 4530581 (D.D.C. Aug. 6, 2020) [↑](#footnote-ref-59)
59. No. 3:20-CV-30144-KAR, 2020 WL 5542719 (D. Mass. Sept. 16, 2020) [↑](#footnote-ref-60)
60. No. 2:20-CV-38, 2020 WL 7240159 (M.D. Tenn. Dec. 9, 2020) [↑](#footnote-ref-61)
61. https://www.bls.gov/news.release/pdf/empsit.pdf [↑](#footnote-ref-62)
62. https://www.osha.gov/laws-regs/standardinterpretations/2009-03-30#:~:text=Injuries%20and%20illnesses%20that%20occur,to%20the%20performance%20of%20work [↑](#footnote-ref-63)
63. Id. [↑](#footnote-ref-64)
64. https://osg.ca/7-simple-tips-for-improving-workplace-ergonomics/ [↑](#footnote-ref-65)
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67. https://www.businessinsurance.com/article/20210106/NEWS06/912338898/Mandatory-vaccine-policies-may-have-workers-comp-implications [↑](#footnote-ref-68)
68. https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws?mkt\_tok=eyJpIjoiWW1VMk4yUTBOakV4TmpRMyIsInQiOiJEemxoTmhtUmNDaGI5VjVcL3dXTXA2VmF1TjZhZEJUYUNteGRkWUVYc2JGZUtUYjFBaHBaOG82c1orVUVwSnI4ejFINFN3ckt3QzcwRjdUS1hzVnRwbVF4SXBmTW0wcWVXOWZ0ZU1lQ2Q3YVVFbytKeEExdjdvN0RlVHVWbXpKTkQifQ%3D%3D [↑](#footnote-ref-69)
69. https://www.insurance.ca.gov/0250-insurers/0300-insurers/0200-bulletins/bulletin-notices-commiss-opinion/upload/Bulletin\_2020-3\_re\_covid-19\_premium\_reductions-2.pdf [↑](#footnote-ref-70)
70. Bulletin 2020-3 listed private passenger automobile insurance, commercial automobile insurance, workers’ compensation insurance, commercial multiple peril insurance, commercial liability insurance, medical malpractice insurance, and “any other line of coverage where the measures of risk have become substantially overstated as a result of the pandemic.” [↑](#footnote-ref-71)
71. https://www.insurance.ca.gov/0250-insurers/0300-insurers/0200-bulletins/bulletin-notices-commiss-opinion/upload/Bulletin-2020-4-Premium-Refunds-Credits-and-Reductions-in-Response-to-COVID-19-Pandemic.pdf [↑](#footnote-ref-72)
72. https://www.insurance.ca.gov/0400-news/0100-press-releases/2020/upload/nr052WCRatingRules06172020.pdf [↑](#footnote-ref-73)
73. <https://interact.ivansinsurance.com/ivans-index-quarterly-report-insurers/p/1> [] [↑](#footnote-ref-74)
74. http://www.insurance.ca.gov/0400-news/0100-press-releases/2020/upload/nr030-BillingGracePeriodNotice03182020.pdf [↑](#footnote-ref-75)
75. https://www.mordorintelligence.com/industry-reports/cyber-security-insurance-market [↑](#footnote-ref-76)
76. https://www.spglobal.com/ratings/en/research/articles/200902-cyber-risk-in-a-new-era-insurers-can-be-part-of-the-solution-11590046?utm\_campaign=corporatepro&utm\_medium=contentdigest&utm\_source=Insurance [↑](#footnote-ref-77)
77. The law firm Paul Hastings maintains a database of US Courts regarding coronavirus orders (<https://www.paulhastings.com/about-us/advice-for-businesses-in-dealing-with-the-expanding-coronavirus-events/u.s.-court-closings-cancellations-and-restrictions-due-to-covid-19>); information regarding California state courts can be found by consulting a superior court’s website (<https://www.courts.ca.gov/find-my-court.htm?query=browse_courts>). [↑](#footnote-ref-78)