



## *Judge Boots Cyber Insurance Suit, Sends to Mediation, Daily Journal, Ft. Mark Mao*

Hsiao (Mark) C. Mao, partner and Co-Chair of KD's Technology Practices Group in San Francisco, has been quoted in a *Daily Journal* article published July 22, 2015. Melanie Brisbon, a *Daily Journal* Staff Writer, wrote:

*An insurance company seeking to deny coverage under the terms of a cyberinsurance policy will have to take its complaint through an alternative dispute resolution after a California federal judge dismissed its case late last week in a decision that may leave many legal observers searching for clarity in this developing area of law.*

*Central District Judge Dean D. Pregerson dismissed without prejudice the suit filed against Cottage Health System, which operates a network of hospitals in Southern California, by their insurer Columbia Casualty Co., "so that the parties may pursue alternative dispute resolution under the terms of the policy." Columbia Casualty Company v. Cottage Health System CV15-03432 (C.D. Cal., filed May 7, 2015).*

*The policy held a provision that the parties would go through alternative dispute resolution before filing lawsuits, according to court documents, but Columbia Casualty's complaint did not include the ADR clause.*

*Mark C. Mao, co-chairman of the data privacy practice at Kaufman Dolowich & Voluck LLP said that sending the case to ADR - where resolutions are typically confidential - has consequences.*

*"I think the fact that we may not get a decision on this may be very important because tons of people were wondering what would happen with this case," he said.*