

Eric Stern Esq. quoted extensively, Law360 Insurance Authority, "Ohio Coverage Ruling Won't End 'Silent Cyber' Fight," 1-10-2023

The Ohio Supreme Court's ruling that a medical billing company doesn't have coverage for a ransomware attack under a property policy is a boon for insurers, but it's unlikely to be...(subscribers can read full article at link)

Conversely, Eric Stern, a partner at Kaufman Dolowich & Voluck LLP who represents insurers, said most property and commercial general liability policies are clearly worded to apply to specific risks, and cyber events often fall outside that grant of coverage. "When we say direct physical loss, we're talking about direct physical loss," Stern said. "You wouldn't come to a CGL policy to cover you for malpractice or D&O losses, so there's no reason to come to [a property policy] for cyber losses." ...

Stern noted that the insurance industry is still grappling with the newness of cyber threats and the constantly evolving nature of the types of losses that policyholders face. "Trees have been falling on houses forever. People have been slipping and falling for as long as people have been walking," he said. "The cyber losses that we're talking about are very different and changing."