

Technology & Media E&O

Wiley's Insurance Practice has extensive experience driving effective claims resolution in the Technology & Media E&O space. Rapidly advancing technologies and evolving markets have created a more efficient and dynamic business environment, but also an environment with new and complex risks and exposures. Our attorneys represent media and technology E&O insurers in connection with complex coverage matters nationwide.

Wiley attorneys counsel insurers on developing new products and manuscripting terms of coverage, evaluating claims and the availability of coverage, monitoring covered claims and guiding them to successful resolution, and resolving coverage disputes through litigation, mediation and negotiation. Our insurance attorneys also can leverage the firm's subject matter expertise on highly technical matters using its practices focused on FTC Regulation, Government Contracts, Health Care, Intellectual Property, Litigation, Privacy & Cybersecurity, and Telecom, Media & Technology.

Wiley's representation of clients in this area includes exposures associated with:

- Claims involving allegedly defective technology products or services or failed implementation.
- Claims involving network outages made by third parties against insureds.
- Claims involving the theft or loss of trade secrets or other sensitive business information.
- Claims involving alleged media and advertising exposures, including allegedly improper website-related conduct.
- Claims involving alleged wrongful advertising and marketing conduct, including deceptive and unfair trade practices, false advertising and unfair competition.
- Claims involving alleged state and federal statutory violations, including the FACTA, FCRA, TCPA, Song-Beverly Act, and many other statutes.
- Business email compromise or email schemes under commercial crime and other insurance policies.
- Exposures of professionals, including directors and officers and attorneys, investment advisors, and other professionals.

Specific recent representative matters include the following:

- Represented primary insurer in coverage litigation under technology E&O policy for underlying claim for alleged errors and omissions in connection with accounting software, which led to an underlying

arbitral award against the insured for more than \$100 million. Matter settled on favorable terms for Wiley client.

- Advised professional liability insurer under consecutive occurrence-based media errors and omissions policy for claims based on ongoing copyright infringement. Matter resolved without payment from the insurer.
- Represented primary insurer in connection with claims asserted by and against a network service provider for alleged errors or omissions leading to a large-scale network outage.