



News

Larry Golub Reacts to Ninth Circuit TCPA/D&O Insurance Coverage Decision

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Larry Golub commented in a *Law360* article on the decision by a Ninth Circuit panel finding that a common invasion-of-privacy exclusion in a D&O policy barred coverage for a Telephone Consumer Protection Act (TCPA) suit. In *Los Angeles Lakers Inc. v. Federal Insurance Co.*, the basketball team had accused its insurer of refusing in bad faith to defend or indemnify the Lakers in a TCPA lawsuit under its D&O policy. A Ninth Circuit panel found that the policy's invasion-of-privacy exclusion precluded coverage because a TCPA violation allegation is necessarily a claim for invasion of privacy.

Golub said the court's decision was a "relatively straightforward coverage determination" in a case involving a broad 'arising out of' policy exclusion and a complaint alleging invasion of privacy. "It's hard to avoid the fact that the focus of the TCPA is invasion of privacy," noted Golub.

[Read the full *Law360* article](#) (*subscription required*)

[Read the court's opinion](#) (PDF)

"Lakers' Loss Gives Insurers Edge in TCPA Coverage Fights" was published by *Law360*, August 24, 2017.