



News

Swipe Right for Coverage: Scott Seaman Analyzes Tinder's Battle Over Notice of Claim Obligations

August 23, 2024

In a recent analysis for *Law360 Insurance Authority*, Scott Seaman, a Chicago-based partner and co-chair of Hinshaw's Insurance Services Group, offered his insights on an insurance coverage dispute related to a lawsuit involving Match Group and its "Super Like" feature on the Tinder dating app.

At issue is whether and how New York's General Construction Law Section 25 applies to Match's claims-made insurance policy. Match had asked its insurance brokers to notify its insurer of the underlying lawsuit over the "Super-Like" feature on Aug. 19, 2016. However, the policy ended at 12:01 a.m. on Saturday, Aug. 20, of that year. Match's broker notified the insurer of the claim the following Monday, Aug. 22, at 8:42 a.m.

Seaman said that even if Match Group secures coverage, the case is unlikely to significantly affect insurance companies. He delved into the New York law specifics, particularly focusing on how this case might clarify the application of General Construction Law Section 25, which could extend notice of claim reporting deadlines under certain conditions. This case underscores the intricacies of claims-made policies and the importance of timely claim reporting by policyholders to avoid conflicts with insurers.

Law360 Insurance Authority Excerpt:

Insurer-side attorneys Scott M. Seaman of Hinshaw & Culbertson LLP [...] agreed that this case was unlikely to have an adverse impact on insurers, even if Match were to win.

...Seaman noted when the statute does come up, usually it's irrelevant because contracts address issues in their own terms "or provide that time is of the essence," which he said "would seem to be the case" with claims-made reporting requirements.

Another reason the statute comes up rarely is because "prudent policyholders error on the side of reporting claims promptly," he said.

...Regardless of impact, Seaman said the issues in the case were meaningful. Construing claims-made policies and determining reporting requirements is "important to both insurers and policyholders because enforcement of these fundamental elements impacts policy pricing and availability," he said.

Attorneys

Scott M. Seaman



[Read the full article](#) (*subscription may be required*).

- ["In 'Super Like' Coverage Bid, Tinder Seeks Match With NY Law"](#) was published by *Law360 Insurance Authority* on August 22, 2024.