

Scott Seaman Discusses Google's Coverage Battle Over Social Media Addiction Claims

In *Law360 Insurance Authority*

In The News | 3 min read

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Hinshaw partner Scott Seaman was recently quoted in a *Law360 Insurance Authority* article examining a Delaware court's decision to allow Google's insurance coverage dispute over the social media addiction multidistrict litigation to proceed in California state court.

On September 21, Delaware Superior Court Judge Sheldon K. Rennie stayed a coverage action that two AIG units filed against Google, YouTube, and Alphabet, their parent company. The stay allows an earlier-filed coverage suit to proceed in Santa Clara County, California. Google filed its California action first, then 16 days later, the AIG subsidiaries filed in Delaware, seeking a declaration that they had no duty to defend or indemnify Google.

Scott stressed that the ruling decided only the forum; it did not decide coverage. "Although Judge Rennie's ruling in the Meta case was well-reasoned and entirely proper, the decision is currently on appeal before the Delaware Supreme Court," he told *Law360*. "So, the outcome of both social media coverage actions still hangs in the balance."

[Read the full article](#)

Scott also provided the following additional commentary as a follow-up to the *Law360* story.

Why Forum Battles Matter

Scott noted that fights over the forum are common in high-stakes coverage litigation. Sometimes the choice of forum has little effect on the outcome. In other cases, the parties see a real advantage in getting their preferred court.

The forum can affect which state's law applies, because jurisdictions use different choice-of-law rules or weigh the factors differently. Parties also often fight over the forum because they believe a particular court or judge will be more receptive, or less receptive, to insurers' or policyholders' positions.

The First-Filed Advantage

Forum battles are often a race to the courthouse. Absent gamesmanship, unfairness, or a forum with little connection to the parties and the dispute, the party that files first usually wins, as long as its action is sufficiently comprehensive.

That is what happened in the *Google* case. Scott called the policyholders' 16-day head start "game, set, and forum match." Judge Rennie found that under Delaware law, the first-filed California action was entitled to proceed because it:

- involves the same primary parties,
- arises from the same core facts, and
- can fully resolve the underlying contract questions.

The court also found no gamesmanship. The parties knew about the underlying claims and could have filed coverage suits long before they did. And policyholders are natural parties to bring coverage actions.

Consistent With the Meta Ruling

Earlier this year, Judge Rennie ruled that Meta was not entitled to commercial general liability coverage for the same California multidistrict litigation. He found that the underlying suits alleged harm arising from the intentional design of Meta's platforms.

Scott explained that, as a result, there was no "occurrence," and the insurers had no duty to defend or indemnify Meta. In that case, the insurers had filed first, and Judge Rennie let their Delaware action proceed after denying the policyholders' request to dismiss or stay it in favor of a later-filed California suit.

So the insurers' chosen forum was held in *Meta*, and the policyholders' chosen forum was held in *Google*. Scott pointed out that the two rulings are nonetheless consistent: in each case, the first-filed action was allowed to proceed. The timing was notable, as insurers filed in *Google* on February 27, 2026, the same day Judge Rennie issued his *Meta* decision. Google had filed its California action 16 days earlier.

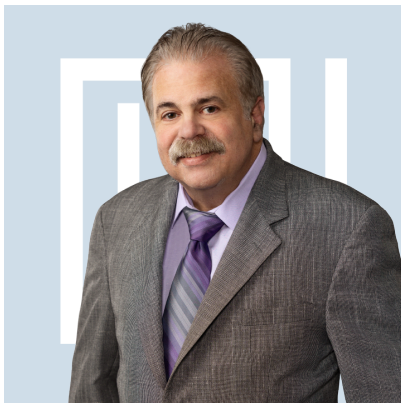
What Comes Next

Importantly, the decision was a ruling on the forum only and not a determination of coverage. The insurers have strong arguments on the merits and may well prevail in *Google's* California action.

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