

Second Circuit Upholds Dismissal Of Suit Stemming From Pandemic-Related Premium Reduction (Insurance Law Alert)

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Applying the filed-rate doctrine, the Second Circuit affirmed the dismissal of a putative class action suit stemming from an insurer's "Giveback Program," which provided premium reductions during the early months of the pandemic. *Grossman v. Geico Cas. Co.*, 2022 WL 1656593 (2d Cir. May 25, 2022).

The complaint, which asserted causes of action for breach of the covenant of good faith and fair dealing, unjust enrichment and violations of New York General Business Law, alleged that the insurer's premium reduction was inadequate, resulting in windfall profits to the insurer, and that advertising about the program was misleading.

The Second Circuit upheld the district court's dismissal of the suit based on the filed-rate doctrine. The court held that the doctrine squarely applied because the complaint sought a recalculation of rates that were approved by the New York Department of Financial Services, regardless of the nature of the causes of action in the complaint, the culpability of the insurer or the possibility of inequitable results.

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