



INSURANCE COVERAGE AND ALLOCATION ISSUES CONFERENCE

The Union League of Philadelphia | May 13, 2026

COVERAGE ISSUES FOR MASS TORTS AND EMERGING TORTS



Moderator:
Marc E. Haas, Esq

*Stradley Ronan
Philadelphia, PA*



Sarah Cox

*Assistant Vice President, Excess
Casualty and Crisis Management
Claims, Starr Adjustment Services, Inc.
Philadelphia, PA*



Kristen Drake

*President, PolicyFind
Indianapolis, IN*



John Goldwater

*Managing Director
MDD Forensic
Accountants
Boston, MA*

Social Media Litigation



Ultra-Processed Foods Litigation



POST HOLDINGS, INC.

WK Kellogg Co

THE *Coca-Cola* COMPANY



Kraft*Heinz*



MARS



Mondelēz
International

Kellanova

Social Media Litigation

Recent Verdicts



State of New Mexico v. Meta Platforms, Inc., D-101-CV-2023-02838 (First Judicial Dist. Ct., Santa Fe County)

- Case brought by New Mexico Attorney General
- \$375M jury award against Meta under New Mexico Unfair Practices Act
- Bench trial for damages and injunctive relief on public nuisance claim

K.G.M. v. Meta Platforms, Inc., 4:25-cv-02691 (N.D. Cal.)

- Individual plaintiff case in California JCCP – first bellwether
- TikTok and Snapchat settled before trial
- Jury award of \$3M compensatory and \$3M punitive against Meta and Google
 - 70% against Meta (\$4.2M); 30% against Google (\$1.8M)

Additional bellwether trials in the JCCP expected to be scheduled later this year



Social Media Litigation

Coverage Issues

- “Occurrence” / intentional conduct
- “Bodily injury” / psychological harm
- “Damages” because of “bodily injury”
- “Damages” / equitable relief, punitive damages
- Expected or Intended exclusions
- Insured’s pre-inception knowledge
- Number of occurrences
- Trigger date
- Allocation

Meta Coverage Litigation

- Hartford filed DJ in Delaware
- Meta filed DJ in California
- DE court granted SJ to insurers – no duty to defend

Google Coverage Litigation

- Google filed DJ in California
- AIG filed DJ in Delaware



Ultra-Processed Foods Litigation

Suits Filed to Date

- *Bryce Martinez v. The Kraft Heinz Company, et al.*, Court of Common Pleas, Phila. County, PA (removed to E.D. Pa.) – **FILED 12/10/24**
- *The People of the State of California, Acting by and through San Francisco City Attorney David Chiu v. The Kraft Heinz Company, Inc., et al.*, Cal. Super. Ct., San Francisco County (removed to N.D. Cal.) – **FILED 12/2/25**
- *Shastin Jenkins v. The Kraft Heinz Company, et al.*, E.D. La. – **FILED 1/16/26** – voluntarily dismissed
- *Davina Muthusami v. The Kraft Heinz Company, et. al.*, M.D. Fla. – **FILED 1/16/26**
- *Tamika Lawton, as Mother and Natural Guardian of J.L., a Minor v. The Kraft Heinz Company, et al.*, S.D. Miss. – **FILED 2/12/26**
- *Chyleia Sanford v. The Kraft Heinz Company, et al.*, S.D.N.Y. – **FILED 2/19/26**
- *Zambia Ford, Individually and as Next Friend for and on Behalf of D.P., a Minor v. The Kraft Heinz Company, et. al.*, E.D. Ark. – **FILED 3/5/26**
- *Olivia Kreie v. The Kraft Heinz Company, et al.*, E.D. Wis. – **FILED 4/27/26**
- *Elijah Shabazz v. The Kraft Heinz Company, et al.*, NY Sup. Ct., Kings County – **FILED 4/29/26**

Ultra-Processed Food Litigation: Early Signals for Coverage Analysis

- Emerging product-based liability claims alleging long-term health impacts tied to formulation, marketing, and consumption
- Allegations may span decades of product development, raising complex questions about when bodily injury occurs
- Claims may not fit neatly within traditional occurrence-based coverage frameworks, creating uncertainty around trigger and allocation
- Early evaluation and reconstruction of historical insurance programs may inform risk strategy as litigation develops.





Ultra-Processed Foods Litigation

Coverage Issues

- “Occurrence” / intentional and fraudulent conduct
- “Bodily injury”
- “Damages” because of “bodily injury” (*People of California*)
- “Damages” / equitable relief, punitive damages
- Expected or Intended exclusions
- Insured’s pre-inception knowledge
- Number of occurrences
- Trigger date
- Allocation

Coverage Litigation

*General Mills v.
Liberty Mutual and ACE
(E.D. Pa.)*



INSURANCE COVERAGE AND ALLOCATION ISSUES CONFERENCE

The Union League of Philadelphia | May 13, 2026

COVERAGE ISSUES FOR MASS TORTS AND EMERGING TORTS



Moderator:
Marc E. Haas, Esq

*Stradley Ronan
Philadelphia, PA*



Sarah Cox

*Assistant Vice President, Excess
Casualty and Crisis Management
Claims, Starr Adjustment Services, Inc.
Philadelphia, PA*



Kristen Drake

*President, PolicyFind
Indianapolis, IN*



John Goldwater

*Managing Director
MDD Forensic
Accountants
Boston, MA*