

MISSISSIPPI

MULTI-MILLION DOLLAR CLASS ACTION DISMISSAL



CASE SUMMARY: In this case, the Plaintiff alleged that he, and others similarly situated, were the victims of improper insurance premiums by multiple GEICO entities operating in the state of Mississippi. Specifically, the Plaintiff alleged GEICO failed to properly adjust premiums or reimburse its insureds during the Covid-19 pandemic due to the fact that fewer vehicles were traveling on the road. Plaintiff's causes of action included breach of contract, unjust enrichment, and frustration of purpose.

Defendants immediately moved for dismissal of the Plaintiff's entire complaint. Rose responded with a motion to amend his complaint and tweaked the language of the various causes of action alleged against the Defendants, now classifying the allegations as challenging the "performance" of GEICO's insurance contracts rather than the terms themselves. The Defendants filed a renewed motion to dismiss, arguing a "Rose" by any other name still smells as sweet, and Rose labeling his allegations as challenges to performance did not make it so, and that Rose's claims were actually challenging the sufficiency of the rates GEICO was charging. The U.S. District Court agreed and dismissed the Plaintiffs' claim. Chief District Judge Daniel P. Jordan III found Rose's amended complaint to be nothing more than "semantic mischaracterization" of actual challenges to GEICO's insurance rates that were invoking the word "performance."

The district court find the Plaintiff's allegations violated Mississippi "filed-rate" doctrine where any insurance rate approved by the governing regulatory agency is deemed per se reasonable. Judge Jordan further found that "because Rose previously amended his Complaint in response to the Defendants' prior Motion to Dismiss, the Court finds that he has pleaded his best case. The cause is dismissed with prejudice."



DAVID DUNBAR

601.898.2073

dcdunbar@dunbarmonroe.com



CHRISTOPHER DUNNELLS

601.898.2073

cdunnells@dunbarmonroe.com