

1 S.A.N.T., Inc. v. Berkshire Hathaway, et al.

Year: 2021

Court: United States Court of Appeals for the Third Circuit

Case Number: Nos. 21-1109; 21-1038; 21-1039; 21-1106; 21-1107; 21-1294

In its amicus curiae brief, UP supports coverage for an insured's business interruption losses related to the SARS-CoV-2 virus and COVID-19. UP's discusses the application of the regulatory estoppel doctrine to COVID-19 related losses. The doctrine of regulatory estoppel prevents insurers from profiting by misleading state insurance regulators as to the scope of insurance policy language. The doctrine mandates that, when insurers misrepresent to regulators that a new policy exclusion will not restrict coverage in securing regulatory approval, they will be estopped in subsequent coverage litigation from relying on the exclusion as a basis for repudiating coverage.

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