

Big Onion Tavern Group, LLC v. Society Insurance, Inc.

Year: 2020

Court: United States District Court for the Northern District of Illinois

Case Number: 20-cv-02005

In its brief, UP opposed a Motion to Dismiss a COVID-19 Business Interruption Claim by Society Insurance, Inc. UP argued that, properly construed, Society's property policies provide coverage for the loss of property sustained by plaintiffs.

UP argues that "physical loss" cannot mean the same thing as the disjunctive "physical damage" and that the Court recognizes loss of use of tangible property as physical loss of property. Further, UP reminds the Court that it is critical not to forget the term "property," and that Society's policy must be read as a whole.

Finally, UP argues that the Ordinance or Law exclusion does not preclude coverage when physical damage is caused by extraneous forces, and, as a result of that physical damage, a governmental body enforces an ordinance against covered property.

***Motion for leave denied**

This brief was drafted pro bono by John Vishneski, Douglas Rawles, and Adrienne Kitchen of Reed Smith, LLP