

Circus Circus v. AIG Specialty Ins. Co.

Year: 2021

Court: United States Court of Appeals Ninth Circuit

Case Number: 21-15367

In its brief, UP weighs in on the tumultuous effect the pandemic has inflicted on the entertainment industry, namely a hotel/ casino in the entertainment capital of the world. Apart from, but complimentary to, the argument of the policyholder that the presence of COVID-19 at the insured location caused physical loss or damage. UP files this brief to give this Court further context in relation to three issues: (1) the majority rule of law confirms health hazards cause “loss” or “damage” to property insurance coverage under an all risk property policy; (2) Couch on Insurance – the treatise relied upon by the district court – acknowledges that coverage exists despite lack of distinct, demonstrable physical alteration of property; and (3) whether COVID-19 actually causes “physical damage” to any insured property is a factual inquiry that cannot be determined at the pleading stage.

This brief was authored pro bono by Amber S. Finch, John N. Ellison, and Richard P. Lewis of Reed Smith LLP