

Colectivo Coffee Roasters et al. v. Society Insurance, A Mutual Company

Year: 2021

Court: Wisconsin Supreme Court

Case Number: 2021AP000463

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 brief provides the Wisconsin Supreme Court with legal precedent and arguments relating to five distinct points: (1) airspace is an important part of real property covered by property insurance policies; (2) a showing of physical "alteration" to property is not required to trigger a property insurance policy which covers physical "loss" or "damage" to property; the right to use one's property is an important property interest and is therefore covered by property insurance policies that apply to "direct physical loss"; (4) Wisconsin's proximate cause doctrine further prevents application of two non-relevant exclusions asserted by the insurance company defendants; and (5) courts should not be swayed by self-serving market insolvency arguments put forward by the insurance industry.

Patrick Murphy of Quarles & Brady, LLP and John Vishneski of Reed Smith

The information presented in this publication is for general informational purposes and is not a substitute for legal advice. If you have a specific legal issue or problem, United Policyholders recommends that you consult with an attorney. Guidance on hiring professional help can be found in the "Find Help" section of www.uphelp.org. United Policyholders does not sell insurance or certify, endorse or warrant any of the insurance products, vendors, or professionals identified on our website.

Source: <https://uphelp.org/amicus-briefs/colectivo-coffee-roasters-et-al-v-society-insurance-a-mutual-company/> Date: October

8, 2024