

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

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