

Consolidated Restaurant Operations, Inc. v. Westport Ins. Corp.

Year: 2021

Court: New York Appellate Division First Department

Case Number: 2021-02971 & 2021-04034

In the New York Appellate Division, First Department, United Policyholders submitted an amicus brief supporting coverage for an insured's business interruption losses related to the SARS-CoV-2 virus and COVID-19. UP's brief argues that decades of case law demonstrate what the insurance industry and policyholders have long known: that "all risks" insurance policies protect insureds against a broad range of perils including carbon monoxide, odors, and viruses such as the one that causes COVID-19. UP's brief also counters standard insurance industry talking points by showing that holding insurance companies to their promises to cover losses will not bankrupt the industry.

UP submitted a second amicus in support of the policyholder's motion for permission to appeal the case to the New York Court of Appeals.

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