

Hartford Fire Insurance v. MODA, LLC et. al.

Year: 2021

Court: Appellate Court of the State of Connecticut

Case Number: AC 44820

In its brief, UP weighs in on the long-standing precedent set by the insurance industry and courts that property insurance policies cover loss from events that render a property unfit for its intended use. Insurance industry drafting organizations have, for decades, concluded that the terms “physical loss” or “physical damage” included situations in which events rendered property unfit or unsafe for its intended use, regardless of whether such property had suffered physical alteration. In addition, the insurance industry also paid a number of claims for loss caused by the original novel coronavirus, SARS-CoV-1, which led to a pandemic in 2020-2024. However, “clarifications” of coverage, such as the Virus Exclusion in this case have been written into standard ISO forms to erode coverage that once existed. UP urges the court to consider this history and reverse the summary judgment granted to Hartford by the lower court.

This brief was authored pro bono by Brian E. Spears of Spears Manning & Martini, LLC and John Ellison and Richard Lewis of Reed Smith LLP