

Mac Property Group, LLC v. Selective Ins. Co.

Year: 2021

Court: New Jersey Appellate Division

Case Number: L-002629-20

In its brief, UP tackles the issue COVID-19 has posed to businesses. The present case is neither theoretical nor without significant consequences to the multitude of New Jersey businesses impacted by the COVID-19 pandemic. Indeed, this Court’s decision is likely to affect businesses throughout this State whose operations were disrupted as a result of COVID-19 and who have sought coverage under their all-risk insurance policies. Because of the novel issues presented by this case, and the far-reaching implications any decision will have on similarly-situated policyholders within the State, a determination barring Petitioner’s claim with prejudice at the motion to dismiss stage is premature – particularly since the Policy fails to define what constitutes a “physical loss of property” under an all-risk insurance policy.

Update: This brief was rejected by the New Jersey Appellate Court.

This brief was authored pro bono by Robert D. Chesler of Anderson Kill