Selane Products, Inc. v. Continental Casualty Company

Year: 2021
Court: United States Court of Appeals for the Ninth Circuit
Case Number: 21-55123

In its amicus curiae brief, UP supports an insured's petition for rehearing in the context of coronavirus-related business income losses. UP's brief argues three main points: (1) the Panel misapplied the Civil Authority Endorsement in the insured's policy; (2) decades of case law confirm that the presence of viruses and other noxious or deadly substances can cause physical loss of or damage to property; and (3) the dismissal of the insured's claims at the pleading stage ran afoul of the longstanding *Erie* doctrine by relying heavily on other federal court decisions as opposed to the decisions of California state courts.

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