

Spectrum Retirement Communities, LLC, et al. v. Continental Casualty Company

Year: 2024

Court: Colorado Court of Appeals

Case Number: 2024CA34

In its amicus curiae brief, United Policyholders supports coverage for an insured’s business interruption losses related to the SARS-CoV-2 virus and COVID-19. UP argues that decades of case law demonstrate that the presence of physically hazardous substances can qualify as “physical loss or damage” to property even in the absence of visible structural damage. Consequently, allegations that COVID-19 particles were in the air or on the surfaces of insured property in such a way so as to render the property dangerous to use or uninhabitable sufficed under Colorado law to state a claim for “all risk” property insurance coverage.

Note: United Policyholders motion for leave to file an amicus brief was subsequently granted upon motion for reconsideration after being initially denied.

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