

Sportime Clubs, LLC v. American Home Assurance Company

Year: 2021

Court: New York Supreme Court Appellate Division Second Judicial Department

Case Number: 2021-05000

In its amicus curiae brief, UP supports coverage for an insured's business interruption losses related to the SARS-CoV-2 virus and COVID-19. UP's brief provides the Court with 50 years of history and case law in New York and across the country showing that the standard insuring language used in property insurance policies applies to noxious substances and health hazards such as the coronavirus. UP's brief also argues that the lower court's dismissal of Sportime Clubs' claims misapplied well-settled standards for motions to dismiss under New York law. Finally, UP's brief counters standard industry "cries of wolf" that the insurance market would go bankrupt if insurance companies were required to pay the claims they owe relating to the COVID-19 pandemic.

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