

## **COVID: Year Two UPdate**

### **Have the conversation...**

As businesses across the nation learned the hard way when their pandemic interruption claims were summarily rejected by insurers...one can't blindly trust paid-for property insurance to come through in the worst of times.

Throughout the two years since the COVID-19 pandemic began devastating lives and livelihoods, our organization has fought to uphold the reasonable expectation of restaurants, bars and businesses across the nation that their interruption insurance would help them survive. It turns out that insurers protected themselves against the risk of pandemic closure orders and damage, but not their customers, and without fair warning.

Through an all volunteer working group consisting of the nation's finest policyholder lawyers, UP has filed 57 "friend of the court" briefs to date to reverse the claim denials and is working on many fronts to help regulators, courts and lawmakers take action to restore essential protections to insurance consumers. But the fact remains...

If you own property and are paying to insure it, don't be passive. At least once a year, and before your policy comes up for renewal, have a conversation with your insurer (or their authorized representative). Ask what's excluded, take good notes, and do your best to adjust your coverage and avoid fine print traps.

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### **57 Amicus Briefs Filed since the start of the pandemic.** **(March 2020-March 2022)**

#### **2022**

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Source: <https://uphelp.org/covid-year-two-update/> Date: December 5, 2022

- Capri Holding Ltd. v. Zurich American Ins. Co et. al.
- ES Restaurant Group Inc. et al v. Fireman’s Fund Insurance Company et al
- Sagome Inc. D/B/A L’Hostaria v. The Cincinnati Insurance Co.
- Sullivan Management v. Fireman’s Fund Insurance Company
- Timothy A. Ungarean d/b/a Smile Savers Dentistry et. al. v. CNA et. al.

## 2021

- 1 S.A.N.T., Inc. v. Berkshire Hathaway, et al.
- Boulevard Carroll Entertainment Group v. Fireman’s Fund Insurance Company
- Chattanooga Professional Baseball LLC v. National Casualty Co.
- Circle Block Partners et. al. v. Fireman’s Fund Ins. Co.
- Circus Circus v. AIG Specialty Ins. Co.
- Consolidated Restaurant Operations, Inc. v. Westport Ins. Corp.
- The Cordish Companies v. Affiliated FM Insurance Company
- Dakota Girls, LLC et.al., v. Philadelphia Indemnity Ins. Co.
- Firebirds International, Inc. v. Zurich American Ins., Co.
- First and Stewart Hotel Owner, LLC v. Fireman’s Fund Insurance Company
- Gavrilides Management Co. LLC et. al. v. Michigan Ins. Co.
- Hartford Fire Insurance v. MODA, LLC et. al.
- HT-Seattle Owner, LLC. v. American Guarantee and Liability Ins. Co.
- Huntington Ingalls Industries, Inc. v. Ace Am. Ins. Co. et. al.
- Indiana Repertory Theatre v. The Cincinnati Casualty Co.
- Kirsch v. Aspen American Ins. Co.
- Legal Sea Foods, LLC. v. Strathmore Ins. Co.
- Mac Property Group, LLC v. Selective Ins. Co.
- Motiv Group, Inc. v. Continental Casualty Co.
- Mudpie v. Travelers Casualty Ins. Co.
- Neuro-Communication Services, Inc. v. The Cincinnati Insurance Co. et. al.
- North State Deli, LLC, et al v. The Cincinnati Insurance Company, et al
- Outwest Restaurant Group, Inc. v. Affiliated FM Inc. Co.
- Plan Check Downtown v. Amguard Ins. Co, et. al.
- Procaccianti Co. Ins. v. Zurich American Ins. Co.
- Radiator Specialty Co. v. Arrowood Indemnity Co.

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- RTG Furniture v. Aspen
- Sandy Point Dental, P.C., v. The Cincinnati Ins. Co., Inc.
- Santo's Italian Cafe v. Acuity
- Selane Products, Inc. v. Continental Casualty Company
- Sportime Clubs, LLC v. American Home Assurance Company
- Summit Hospitality Group, LTD. v. The Cincinnati Ins. Co.
- The Inns By The Sea v. California Mutual Insurance Co.
- TJBC, Inc. v. The Cincinnati Ins. Co. Inc.
- Town Kitchen, LLC v. Lloyd's London
- Verveine Corp. d/b/a Coppa & others vs. Strathmore Ins. CO. & another
- Westfield Area YMCA et.al. v. The North River Insurance Co. et. al.
- Wild Eggs Holdings v. State Auto and Property Casualty Ins. Co

## **2020**

- Big Onion Tavern Group, LLC v. Society Insurance, Inc.
- Chattanooga Professional Baseball LLC v. National Casualty Co.
- Chloe's Cafe v. Oregon Mutual Insurance Co.
- Cornerstone Warrington, Inc. v. The Cincinnati Insurance Co.
- Dakota Girls, LLC v. Philadelphia Indemnity Insurance Co.
- Dakota Ventures, LLC v. Oregon Mutual Ins. Co.
- IN RE: COVID-19 Business Interruption Protection Insurance Litigation
- Joseph Tambellini, Inc. v. Erie Insurance Exchange
- Nostalgic Partners LLC (MiLB) v. Philadelphia Indemnity Insurance Co.
- Prime Time Sports Grill, Inc. v. DTW1991 Underwriting Limited, A Certain Interested Underwriter at Lloyd's London
- Rising Dough, Inc. v. Society Insurance
- Rose's 1 v. Erie Insurance Exchange
- Serendipitous, LLC/Melt v. The Cincinnati Insurance Company
- Vita Coffee, LLC v. Fireman's Fund Insurance Company

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