



Briley Parkway at Opry Mills Mall during the 2010 flood.

## Business groups urge high court hearing for Opry Mills flood dispute

*Appeals court earlier this year slashed mall's insurance payout by \$150M*

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Industry groups and prominent Tennessee businesses are urging the Tennessee Supreme Court to take up Opry Mills Mall owner Simon Property Group's appeal of a lower court decision that cut its insurance payout for a major 2010 flood from \$200 million to \$50 million.

One group, which includes the Tennessee Chamber of Commerce and Industry, Associated Builders and Contractors, Associated General Contractors, Tennessee Road Builders Association, Chattanooga-based regional mall owner CBL & Associates and Brentwood-based Tractor Supply Co., filed a brief supporting the Opry Mills owner earlier this month. Insurance consumer advocacy group United Policyholders has asked the court for permission to file its own brief supporting Simon Property Group.

After the Tennessee Court of Appeals in January **ruled in favor of a group of insurance companies** that held the Opry Mills flood policy, Simon Property Group in March **asked the Supreme Court to hear the case**. In reversing an earlier trial court decision, the appeals court determined that the mall was located in a so-called High Hazard Flood Zone, and its owners were therefore due just a fraction of the full \$200 million in insurance coverage.

The May 2010 flood resulted in the closure of the mall for almost two years.

The business groups, represented by attorneys from Bradley Arant Boult Cummings, argue that “the insurers and their agent repeatedly and uniformly reassured the insured, its lender, and its partner that the Opry Mills mall had full \$200 million limits for flood damage.”

“Allowing insures to escape liability for promises made in certificates of insurance would be fundamentally unfair,” the brief continues.

The legal dispute has been ongoing since Simon Property Group, the largest shopping mall operator in the country, filed suit against the insurance companies just four months after the 2010 flood.