



Everything Risk Managers and Insurers Need to Know About Business Interruption Under COVID-19

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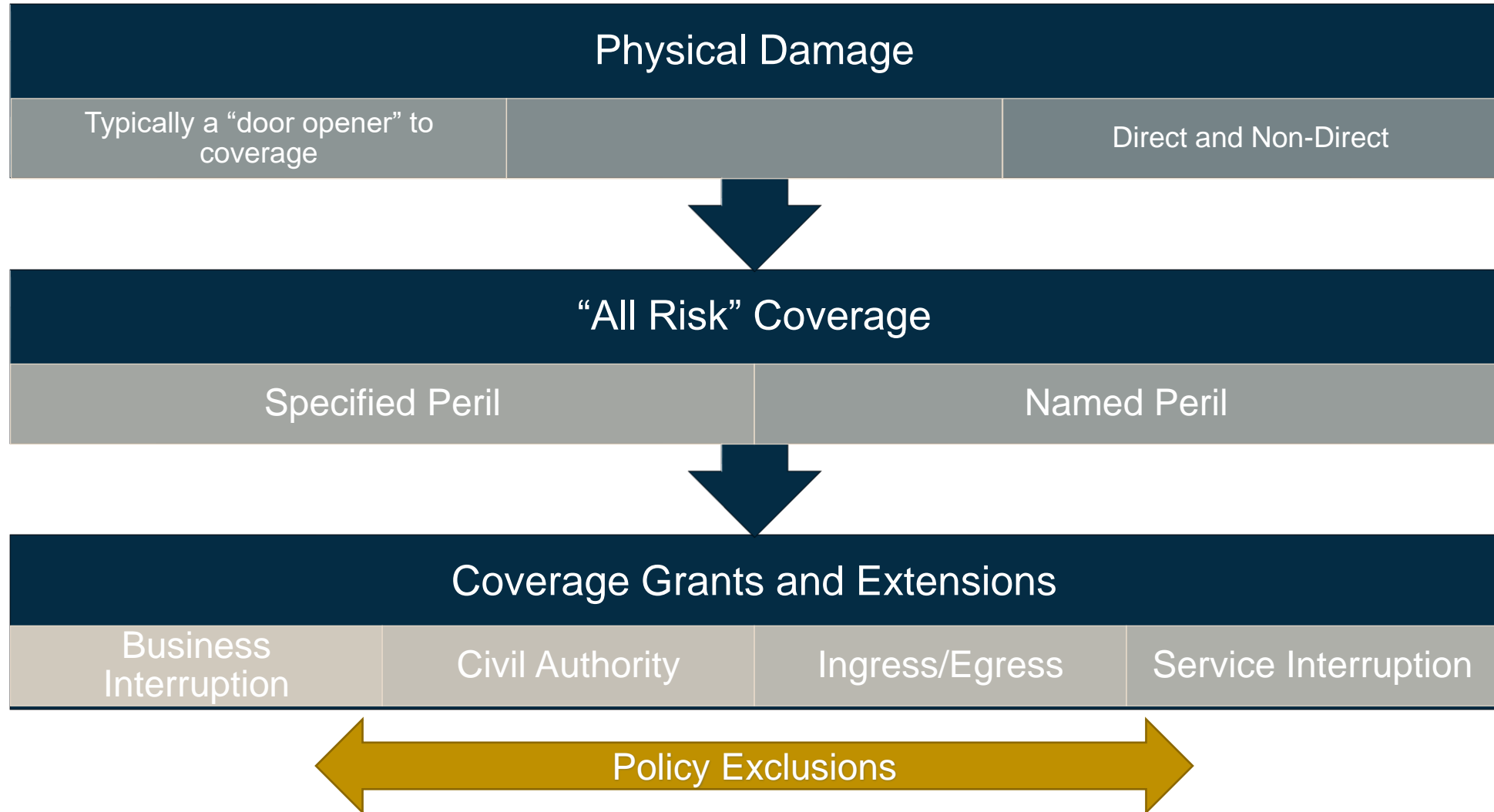


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The Anatomy of a Property Policy



- Direct Physical Loss
 - Can a virus be a physical loss?
 - Key "trigger" language in many policies
- Civil Authority
 - Government closures versus loss of market
- ISO Virus and Bacteria Exclusion
 - Created in 2006 as a response to growing risk from SARS and the like

Documenting COVID-19 Losses

- Capture all related costs using “but for” rule
 - Set up separate Cost / Accounting Code
- Over-Document
 - Detailed timeline of events / decisions including daily diary
 - Photos/videos
 - Track all orders from Local, State and Federal government entities
- Prepare an “agnostic” claim presentation
- Refine the claim presentation for avenues of recovery
 - Insurance “Buckets”
 - FEMA /Government Grants
 - Other Available Funding

COVID-19 Active Cases

Alabama Restaurant

- Sharecropper LLC d/b/a Ollie Irene v. Farmers Insurance Exchange, Inc (Business Income Losses)

California Restaurants

- French Laundry Partners, LP dba The French Laundry, et al. v. Hartford Fire Insurance Company, et al., No. (Business Interruption Coverage)
- Scratch Restaurants LLC et al v. Farmers Insurance Group Inc. et al (Business Interruption Insurance)
- Outerlands, Inc v. Truck Insurance Exchange (Business Income Interruption Coverage)

Illinois Restaurant/Movie Theatres

- Big Onion Tavern Group LLC v. Society Insurance, Inc, et al. (Work Interruption Denial)

Dental Clinic:

- Sandy Point Dental PC v. The Cincinnati Insurance Co. et al. (Loss of Business Coverage)

Florida Scuba/Diving Show

- Mace Marine Inc. v. Tokio Marine Specialty Insurance Co., (Business Interruption Coverage Denial)

Restaurant

- Prime Time Sports Grill Inc v. Lloyds of London, et al. (Government Order Shutdown)
- El Novillo Restaurant et al v. Certain Underwriters at Lloyds London et al

Indiana Repertory Theatre

- Indiana Repertory Theater Inc. v. The Cincinnati Casualty Co. (Lost Business Income)

Louisiana Restaurant

- Cajun Conti, LLC et al. v. Certain Underwriters at Lloyd's of London, et al. ("Oceana Grill") (Business Loss Coverage)

Oklahoma Casinos

- Chickasaw Nation Dept. of Commerce v. Lexington Insurance Company, et. al. (Business Interruption Coverage)
- Choctaw Nation of Oklahoma v. Lexington Insurance Company, et. al. (Business Interruption Coverage)

Texas Wig Shop

- Barbara Lane Snowden, DGA Hair Goals Club v. Twin City Fire Insurance Co. (Business Interruption Coverage Denial)

Hotel

- SCGM, Inc v. Lloyds of London, et al. (Business Shutdown Coverage)

Washington DC Restaurant

- Proper Ventures LLC v. Seneca Insurance Co. Inc. (Business Interruption Coverage Denial)

Wisconsin Restaurant

- Billy Goat Inn Inc. vs. Society Insurance Inc. (Business Interruption Insurance)

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Legislative Initiatives

- Notable State Legislation
 - New Jersey – Assembly Bill 3844
 - Ohio – House Bill No. 589
 - Massachusetts – S.D. 2888
 - New York – Assembly Bill No. A10226
 - Louisiana – House Bill 858 & Senate Bill 477
 - Pennsylvania – House Bill No. 2372
 - South Carolina - Senate Bill 1188
- Federal Legislation
 - Pandemic Risk Insurance Act/ COVID-19 Business and Employee Continuity & Recovery Fund

Thank You for Watching!



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