

Adrian Azer in Law360: 'Big Businesses Step Into Pandemic Insurance Coverage Fight'

April 6, 2021 Adrian Azer

PRACTICES Insurance Recovery

Law360 quoted Haynes Boone Partner [Adrian Azer](#) in an article about the courtroom battlegrounds for pandemic-related insurance litigation.

Here is an excerpt:

... Smaller businesses have repeatedly lost their cases, as judges have found that government shutdowns and the virus itself don't add up to a "physical loss or damage" to the insured businesses as outlined in their policies.

Federal courts in 231 cases have tossed the majority of the suits, while policyholders have fared better in state court where results are mostly split, according to a database maintained by the University of Pennsylvania Carey Law School. At the state level, courts in 65 cases refused to kick the suit about half of the time, according to UPenn's most recent data.

The lack of uniformity in policy language and exclusions among insurance companies, according to insurance recovery experts, turns the current litigation landscape back into a case-by-case or state-by-state inquiry. Missouri and Ohio are among states where policyholders have survived the motion to dismiss stage, according to UPenn's COVID-19 tracker site.

Haynes Boone Partner Adrian Azer echoed other experts telling *Law360* that big law firms will try to keep these coverage fights in state court but also look for other favorable arenas.

"People are going to try to find jurisdictions with more success rates, such as Missouri, while other jurisdictions may be harder," Azer said, noting a heavily cited case, *Studio 417 Inc. v. Cincinnati Insurance Co.*, in which a Missouri federal judge found that businesses had sufficiently alleged a physical loss under their policies.

To read the full article, click [here](#). (Subscription required)