

Pa. Ruling Doesn't Support COVID-19 Biz Interruption Claims

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"These are, safe to say, uncertain times," Siobhan Roberts, a science journalist, recently wrote for the New York Times, referencing the COVID-19 pandemic. And yet, while the times may be uncertain, what the pandemic has not fundamentally altered are certain well-established legal standards governing first-party claims for business interruption losses.

That has not stopped policyholder attorneys from advocating creative ways around those standards. On April 16, 2020, *Law360* published an article by one such advocate, who discussed his opinion about the impact of the Pennsylvania Supreme Court's recent — and rare — King's Bench opinion in *Friends of DeVito v. Wolf*, on COVID-19-related business interruption claims.

In short, the author believes policyholders have gained a clear advantage following the Supreme Court's opinion. *Friends of DeVito*, however, is a case that had absolutely nothing to do with insurance, let alone first-party business interruption insurance. The decision should provide no support to policyholders seeking to prove they are entitled to coverage for business interruption loss claims.

Anthony L. Miscioscia, Partner and Co-Chair of the Insurance Coverage and Bad Faith Group and associate Timothy A. Carroll examine the impact of the Pennsylvania Supreme Court's opinion and provide a rebuttal in *Law360*.

Read the full article (subscription required).

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