

Cohen Ziffer Frenchman & McKenna LLP Scored a First Big Win for Insurance-coverage Policyholders in a COVID-19 Case

In a decision entered last week, a New York federal judge denied FM Global's bid to dismiss the COVID-19 coverage case of our client, Thor Equities LLC. The New York federal court held that Thor's interpretation of the contamination exclusion in its policy (which also appears in many other FM Global policies), that it applies only to costs (and not losses), is reasonable and is entitled to further discovery.

"Since the inception of the pandemic, the insurance industry has attempted to systematically short circuit the rights of policyholders to prove coverage for COVID-related business losses through facts and science. This decision blunts that effort, as it allows the coverage case to continue and gives the policyholder the opportunity to demonstrate why the exclusion does not apply." – Robin Cohen

Click [here](#) to read the decision.

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