

# Mealey's Litigation Report: Catastrophic Loss

## Insured: Insurer Is Distracting N.Y. High Court From Controlling Policy Language

ALBANY, N.Y. — The owner and operator of numerous restaurants replied to a commercial property insurer's response to its appeal of the First Department New York Supreme Court Appellate Division's affirmation of a lower court's dismissal of its coverage lawsuit arising from an alleged tens of millions of dollars in revenue loss prompted by the coronavirus pandemic, asking the New York Court of Appeals to reject the insurer's attempt to distract it from the policy's controlling language (*Consolidated Restaurant Operations, Inc. v. Westport Insurance Corporation*, No. 2022-551, N.Y. App.).

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