

Tracking Interruption: COVID-19 litigation activity analysis for insurers

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American Association of Insurance Services

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Agenda

- What is AAIS
- Background for Tracking Business Interruptions
- Demo: Regulatory/Legislative Tracking
- Demo: Litigation Tracking
- Wrap Up – Keep In Touch

AAIS – American Assoc. of Insurance Services

The only national, not-for-profit, insurance advisory organization

1936

Rating Bureau
and Insurance
Advisory
Organization

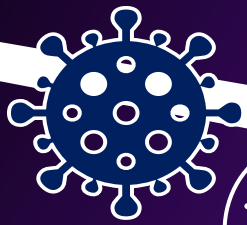
51

Licensed In All
States (+DC)
Intermediary
Regulators
& Carriers

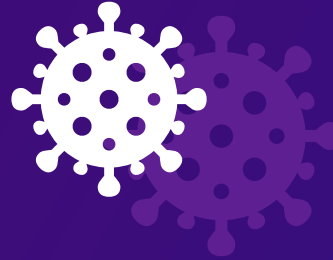
700+

Property &
Casualty
Insurance
Carriers as
Members

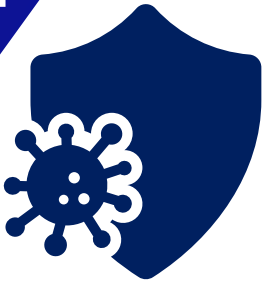
Background



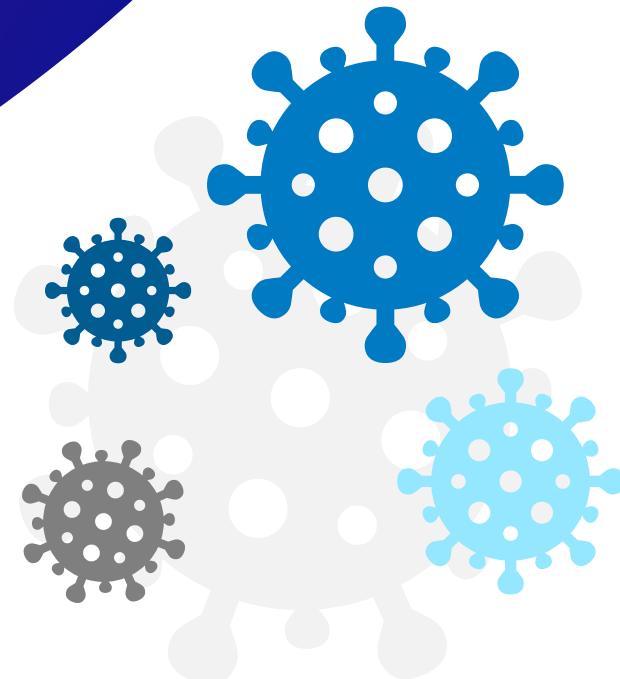
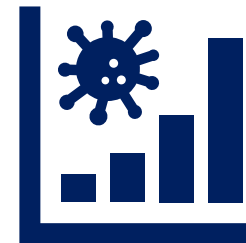
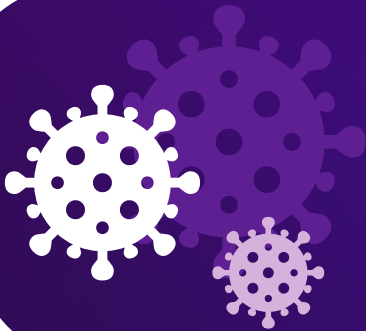
January 21, 2020
First case of SARS-CoV-2
known as COVID-19
is diagnosed in the US



March 19, 2020
California issued
stay-at-home order



March 11, 2020
WHO declares
COVID-19
a Pandemic



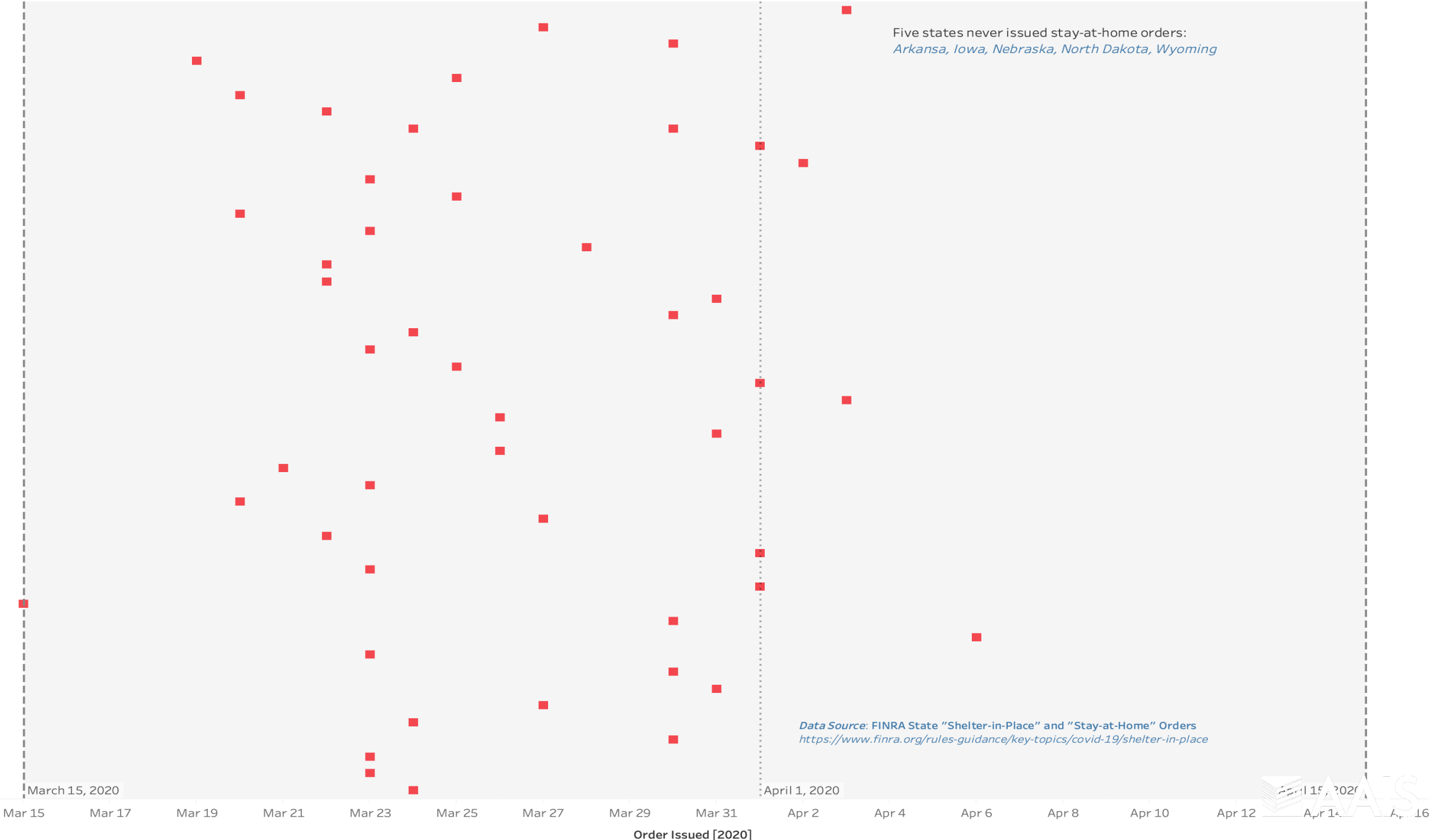
Shelter-in-Place/Stay-at-Home Order

State

- Alabama
- Alaska
- Arizona
- California
- Colorado
- Connecticut
- Delaware
- District of Columbia
- Florida
- Georgia
- Hawaii
- Idaho
- Illinois
- Indiana
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Mississippi
- Missouri
- Montana
- Nevada
- New Hampshire
- New Jersey
- New Mexico
- New York
- North Carolina
- Ohio
- Oklahoma
- Oregon
- Pennsylvania
- Puerto Rico
- Rhode Island
- South Carolina
- South Dakota
- Tennessee
- Texas
- Utah
- Vermont
- Virginia
- Washington
- West Virginia
- Wisconsin

Five states never issued stay-at-home orders:
Arkansa, Iowa, Nebraska, North Dakota, Wyoming

Data Source: FINRA State "Shelter-in-Place" and "Stay-at-Home" Orders
<https://www.finra.org/rules-guidance/key-topics/covid-19/shelter-in-place>

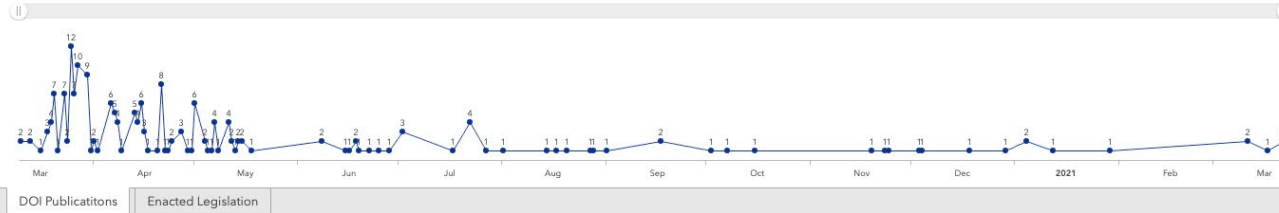


Regulatory and Legislative Tracking

DOI Publications

198

This Month: 0



Enacted Legislation

47

This Month: 0

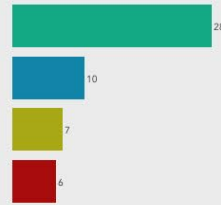
DOI Publications



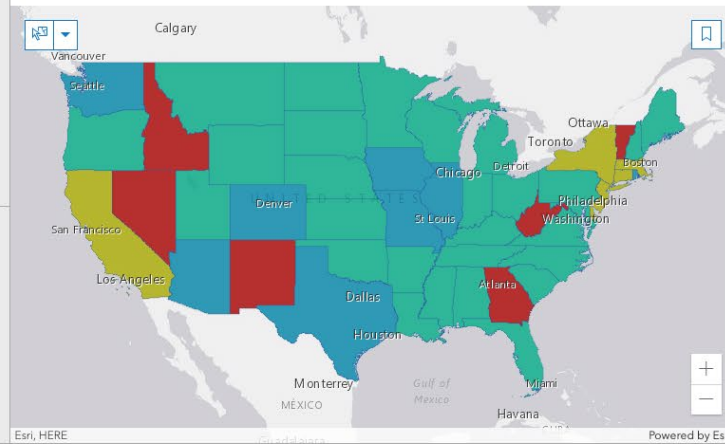
- Cancellation/No renewal: 120
- Data Calls: 7
- Business Continuity Plan Reporting: 5
- Rating Issues: 32
- State Coverage: 34

Legend

- Allowed
- Allowed (with caveats)
- On Hold
- Prohibited
- Unknown



DOI Positions on Virus and Bacteria Exclusions



Alabama: Allowed

Alaska: Allowed (with caveats)

Arizona: Allowed (with caveats)

Arkansas: Allowed

California: On Hold

Colorado: Allowed (with caveats)

Connecticut: On Hold

Delaware: On Hold

District of Columbia: On Hold

Florida: Allowed

Georgia: Prohibited

Hawaii: Allowed (with caveats)

Idaho: Prohibited

Illinois: Allowed (with caveats)

Indiana: Allowed

Iowa: Allowed (with caveats)

Kansas: Allowed

Kentucky: Allowed

Enacted Legislation



State Legislation: 38

Federal Legislation: 8

Enacted Legislation

Kentucky 4/11/2021
[Kentucky Enacts Civil Liability Immunity Legislation](#)
Bill No.: KY SB 5

Wyoming 4/6/2021
[Wyoming Further Amends Civil Liability Immunity Legislation](#)
Bill No.: WY SF 0019

Arizona 4/5/2021
[Arizona Enacts Civil Liability Immunity Legislation](#)
Bill No.: AZ SB 1377

Arkansas 4/5/2021
[Arkansas Enacts COVID-19 Tort Immunity Legislation](#)
Bill No.: AR HB 1487

Kansas 4/2/2021
[Kansas Amends COVID-19 Response and Reopening for Business Liability Act](#)
Bill No.: KS HB 2126

Florida 3/29/2021
[Florida Bill Includes COVID-19 Related Claims Liability Protections](#)
Bill No.: FL SB 72

North Carolina 3/11/2021
[NC Amends Civil Liability Immunity Provisions](#)
Bill No.: NC HB 196

West Virginia 3/11/2021
[West Virginia Enacts Act Including Civil Liability Immunity](#)
Bill No.: WV SB 277

List of DOI Publications

Colorado 3/22/2021
[Colorado Adopts Updated Food Delivery Rule](#)
Bulletin No.: Emergency Reg 21-E-05

Washington 3/22/2021
[Washington Temporarily Prohibits Credit Scoring Due to COVID Impact](#)
Bulletin No.: WAC 284-24A-088, 284-24A-089

District of Columbia 3/17/2021
[Mayor Extends Public Health Emergency](#)
Bulletin No.: Mayor's Order MO21-38

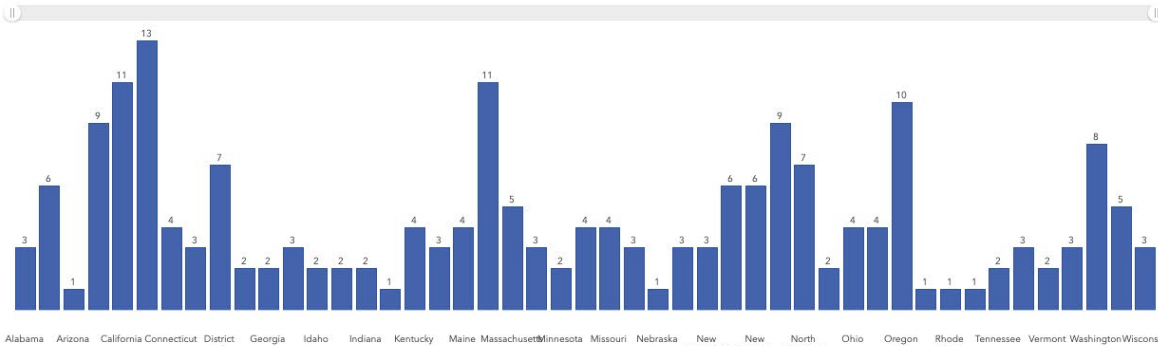
California 3/11/2021
[California Orders Insurers to Return Premium and Provide Additional Data](#)
Bulletin No.: Bulletin 2021-03

Massachusetts 3/11/2021
[Massachusetts Expects Insurers Submit Auto Rate Filing by June 30th](#)
Bulletin No.: Filing Guidance Notice 2021-A

New Mexico 1/29/2021
[New Mexico Issues COVID-19 Auto Premium Refunds Data Call](#)
Bulletin No.: Data Call Dated January 29, 2021

Maryland 1/12/2021
[Auto Policy Cancellations/Nonrenewals Prohibited Based on Driver License Expiration](#)
Bulletin No.: Bulletin 21-03

Maryland 1/4/2021
[Insurers Requested to Check with Policyholders on Vehicle Usage](#)



Litigation Tracking

Total Complaints

854

This Month: 0

Dispositive Rulings

241

This Month: 0

Non-dispositive Rulings

90

This Month: 0

Scorecard

Court Rulings

List of Litigation Cases

Closed in favor of Defendant

Illinois

Case Number: 1:20-cv-07784

Complaint Filed: 12/30/2020 (Click here for complaint detail)

Case Disposition: 4/29/2021 (Click here for disposition detail)

Court: District Court for the Northern District of Illinois Eastern Division

Plaintiff: L&J Mattson's Co. d/b/a Mattson's Steakhouse

Defendant: The Cincinnati Insurance Companies, Inc.

Ruling Judge: Alonso

Closed in favor of Defendant

Pennsylvania

Case Number: 2:20-cv-02034

Complaint Filed: 4/27/2020 (Click here for complaint detail)

Case Disposition: 4/28/2021 (Click here for disposition detail)

Court: Eastern District of Pennsylvania

Plaintiff: Lansdale 329 Prop, LLC 329 Mainlans, LLC and Lincoln Liquor LLC d/b/a

Stove and Tap; 560 Wellington Square Associated LLC d/b/a Al Pastor

Defendant: Hartford Underwriters Insurance Company and The Hartford Financial

Services Group

Ruling Judge: Goldberg

Closed in favor of Defendant

Louisiana

Case Number: C-10-cv-20-000284

Complaint Filed: 4/24/2020 (Click here for complaint detail)

Case Disposition: 4/27/2021 (Click here for disposition detail)

Court: Circuit Court of Maryland for Frederick County

Plaintiff: GPL Enterprise, LLC d/b/a The Anchor Bar

Defendant: Certain Underwriters at Lloyd's, London

Ruling Judge:

Closed in favor of Defendant

California

Case Number: 3:20cv4540

Complaint Filed: 3/25/2020 (Click here for complaint detail)

Case Disposition: 4/27/2021 (Click here for disposition detail)

Court: Superior Court of the State of California County of Napa

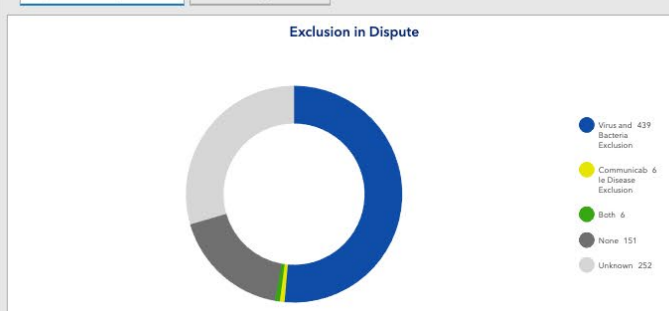
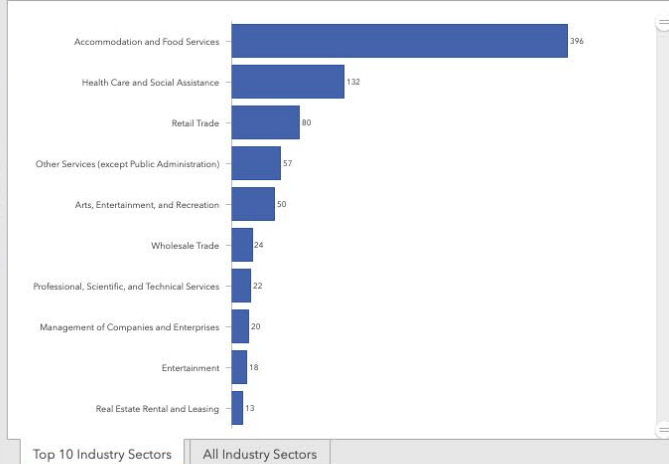
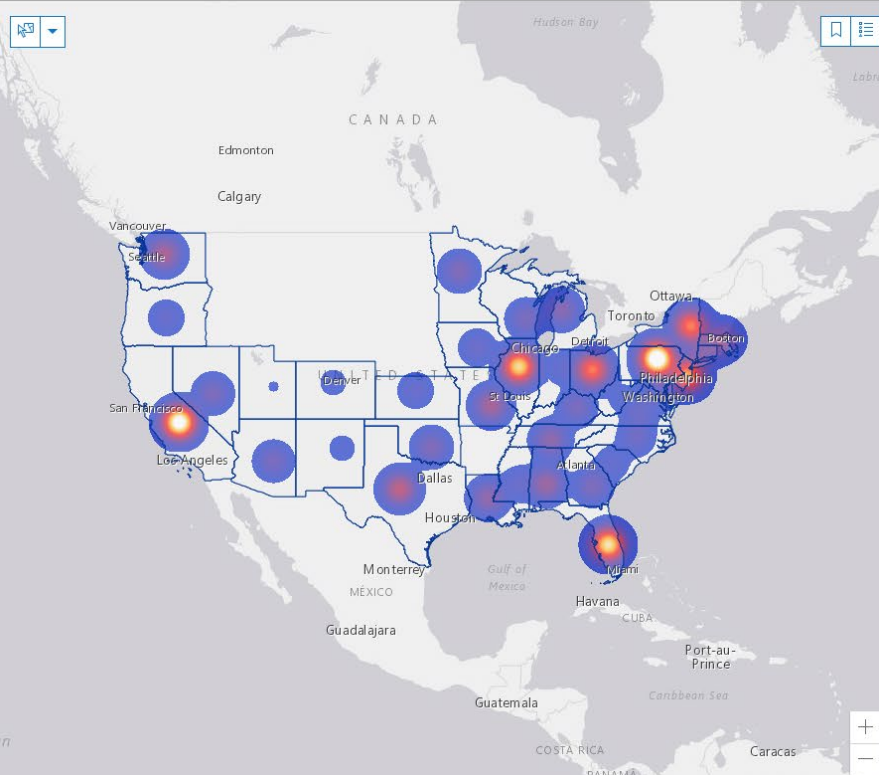
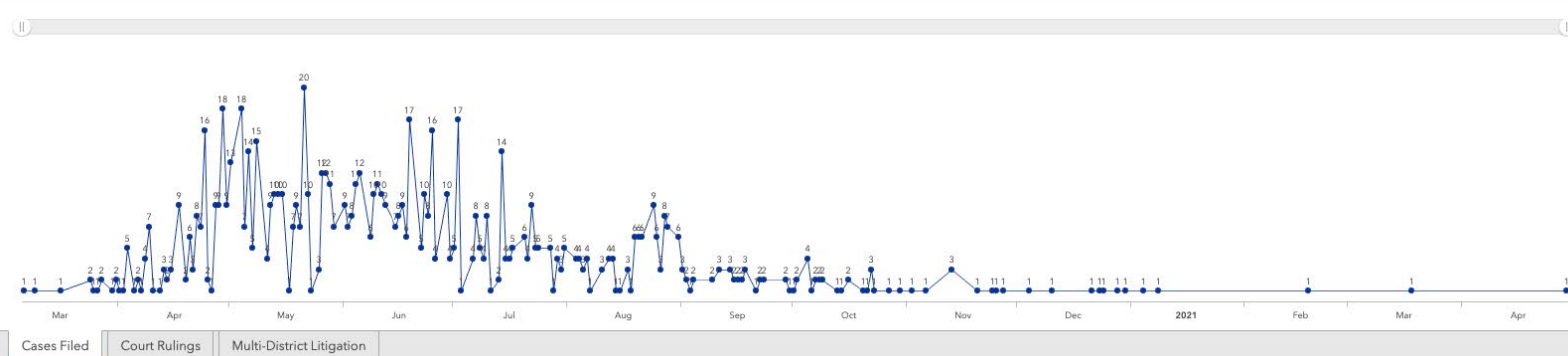
Plaintiff: French Laundry Partners, LP, et al.

Defendant: Hartford Fire Insurance Company, et al.

Ruling Judge: Corley

Non-Dispositive in favor of Plaintiff

Louisiana



AAIS COVID-19 Litigation Tracking Live Update

Case Number *

State Name *

Choose the Jurisdiction of the litigation

Alabama

Centroid of State

32.318°N 86.902°W

Plaintiff *

Industry Sector of Plaintiff *

11: Agriculture, Forestry, Fishing and Hunting

21: Mining

22: Utilities

23: Construction

31-33: Manufacturing

42: Wholesale Trade

44-49: Retail Trade

48-49: Transportation and Warehousing

51: Information

52: Finance and Insurance

53: Real Estate Rental and Leasing

54: Professional, Scientific, and Technical Services

55: Management of Companies and Enterprises

56: Administrative and Support and Waste Management and Remediation Services

61: Educational Services

62: Health Care and Social Assistance

71: Arts, Entertainment and Recreation

72: Accommodation and Food Services

81: Other Services (except Public Administration)

92: Public Administration

99: Unknown

Defendant *

Court Name

Type of Court *

State Trial Court

State Appellate Court

State Supreme Court

Federal District Court

Federal Circuit Court

Federal Supreme Court

Unknown

Date of Complaint *

Monday, May 3, 2021

Date of Disposition

None

Coverage in Dispute

What is the type of insurance coverage in dispute?

Business Interruption

Data Entry/Update

Retrieve Existing Records

Hosted Feature Layer on ArcGIS Online

- * Unique ID created for each data entry
- * Existing records can be updated (identified by unique ID automatically)

Behind the Scene

Data Capture:
Survey123

Data Enlightenment:
ArcGIS Dashboard

Explore it yourself...



AAIS COVID Resource Center

...And Let's Stay in Touch

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