

Scott Seaman Discusses Tenth Circuit Decision in Closely Watched COVID Business Interruption Case

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Scott Seaman, the Chicago-based co-chair of Hinshaw's global Insurance Services Practice Group, discussed with *Law360* the recent decision by a three-judge panel of the Tenth Circuit's in *Goodwill Industries of Central Oklahoma Inc. v. Philadelphia Indemnity Insurance Co.* The appellate court in *Goodwill Industries* uphold a federal district court's opinion against an insured who sought to recover business interruption losses caused by government shutdown orders intended to stop the spread of COVID-19. The Tenth Circuit held that that the orders did not cause the plaintiff to suffer a direct physical loss as required by the subject policy to obtain coverage from the defendant insurance company. The court further held coverage also was barred by the virus exclusion.

Quipped Seaman in the article, “[i]f we were playing insurance coverage poker, the Tenth Circuit decision provided insurers with a straight, with insurers now having defeated COVID-19 coverage claims in the Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Circuits[.]” He added that “the Tenth Circuit correctly based its decision on the plain policy language. It also looked to Webster’s Dictionary and available case law.”

[Read the full *Law360* article](#) (subscription required)

“10th Circ. Hands Insurers Another Win In Virus Coverage Suits” was published by *Law360* on December 21, 2021.

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