
Big Businesses Step Into Pandemic Insurance Coverage Fight

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Shawn Rice

Insurance recovery and litigation attorney **John G. Koch** was tapped by Law360 reporter Shawn Rice for legal commentary on big business, such as professional sports teams, casinos and a fashion giant, taking center stage in pandemic-related insurance litigation in state, federal and appellate courts across the country.

In the past year, mom and pop businesses have gone up against their insurers for coverage of losses related to government shutdowns, new cleaning policies and other business interruptions as COVID-19 ground the economy to a halt.

And those smaller businesses have repeatedly lost their cases, as judges have found that government shutdowns and the virus itself don't add up to a "physical loss or damage" to the insured businesses as outlined in their policies.

John G. Koch, a member of Flaster Greenberg's insurance recovery, litigation and environmental practice groups, told Law360 that smaller businesses went first into the business interruption fray because law firms were willing to take the cases on contingency.

"They had to do something, and ASAP," Koch said.

But larger companies are more likely to have deeper relationships with their insurers and complex insurance programs, and may not have gotten their coverage denied as quickly, Koch said. As a result, they "may be in less of a rush to the courthouse," he said.

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ATTORNEYS MENTIONED

John Koch