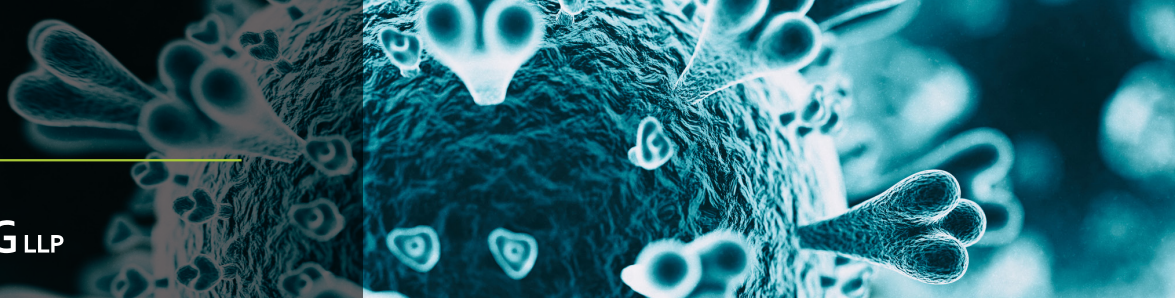


COVID-19



Insurance Tips for Policyholders

Insurance is an important business asset in times of crisis. Because of the COVID-19 pandemic and the related orders, the operations of many businesses have been severely limited or shut down entirely. These businesses may be able to use their existing insurance to recover some of their lost revenue and additional expenses.

Businesses are also expected to face lawsuits related to COVID-19, some of which have already been filed. There too, insurance may be a valuable resource for defense or indemnity against such lawsuits.

The following are a few insurance considerations to keep in mind, now and as we move forward.

BUSINESS INTERRUPTION INSURANCE

Business interruption insurance, also known as business income insurance, is the number one issue right now. Many companies, regardless of size, have this coverage either as a standalone policy or included within their property policy. It provides partial *replacement for lost business income* due to the inability to conduct business triggered by a covered cause of loss.

HOW WE CAN HELP: We review policyholders' insurance policies for coverage opportunities and provide advice on the scope of coverage and opportunities for making a claim. If there is an opportunity for coverage, we provide the additional services listed in this document.

NOTICE OF CLAIM

Notice of any claim typically must be made as soon as practicable (usually not a specific deadline, but the sooner the better). The biggest mistake many policyholders make is failing or delaying in giving notice of the claim to the insurance company – which then may use it as a defense, claiming it was prejudiced in its ability to investigate the claim. This can result in the policyholder leaving money on the table – the last thing they can afford to do in this crisis. Giving notice is usually simple, fast, and inexpensive.

HOW WE CAN HELP: Flat fees are available for initial review of policies and assistance in giving notice.

CLAIM PRESENTATION AND ADVOCACY

Where there are opportunities for coverage, you need to collect the documents and information necessary to support your claim, present it to your insurance company, and fight for coverage.

HOW WE CAN HELP: We work with you, or with your accountants or other advisors, to make sure your claim is presented consistently with your coverage. If your insurance company denies or unfairly limits coverage, we go to work on your behalf negotiating or, if necessary, litigating or appraising your rights to coverage. Our proprietary web-based tool, CaseHub, can help streamline and facilitate the development and presentation of your claim through a central hub.

LIABILITY INSURANCE

Liability insurance issues are likely to emerge soon. Examples include:

- Furloughed or laid off employees claiming discrimination as the “real” reason for termination – **Employment Practices Liability Insurance** may cover such a claim.
- Shareholders, when a public company's stock hits rock bottom, claiming management made overly optimistic statements and did not sufficiently prepare for or manage the crisis – such claims may be covered by **Directors & Officers Liability Insurance**.
- Patrons of an essential business alleging they contracted COVID-19 because that business failed to take adequate steps to prevent transmission of the virus on its premises – such claims may be covered by **Commercial General Liability Insurance**.

Learn More

Barnes & Thornburg is one of the few national law firms that focuses on policyholder representation and advocacy. Our Insurance Recovery Practice Group can efficiently assess your company's COVID-19 related circumstances and help guide you through the insurance claim process.

For more information, contact **Ken Gorenberg** at kgorenberg@btlaw.com or 312-214-5609 or **Timo Rehbock** at trehbock@btlaw.com or 312-214-4592.