

TIMED AGENDA

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|--------------------------|--|
| :00 | <i>Introduction</i> |
| :02 | <i>Background on Corona Virus Crisis in US</i> |
| :07 | <i>Business Interruption Insurance as a Response</i> |
| :22 | <i>Other Issues</i> |
| :27 | <i>Causes of Loss form</i> |
| :29 | <i>Civil Authority</i> |
| :49 | <i>Extended BI Coverage</i> |
| :54 | <i>Extra Expense Coverage</i> |
| :59 | <i>Dependent Properties Suppliers</i> |
| 1:01 | <i>Virus Exclusions</i> |
| 1:11 | <i>Damages</i> |
| 1:13 | <i>Experts You May Need</i> |
| 1:15 | <i>Brokers/Agents' Failures to Provide Coverage</i> |
| 1:17 | <i>Expected Insurance Industry Response</i> |
| 1:22 | <i>Conclusion</i> |
| 1:30 | <i>End of Program</i> |
| <i>Total Minutes: 90</i> | |

EDUCATIONAL MATERIALS

Example Government Orders, 55 pages

Example Litigation Related Documents, 137

Podoshen, Larry, "New Endorsements Filed to Address Exclusion of Loss Due to Virus or Bacteria Strain." ISO Circular, LI-CF-2006-175, (2006) 12 pages

Presentation, "The Corona Virus and Insurance Coverage." 58 pages

RIA IICRC, "Preliminary Report for Restoration Contractors Assisting Clients With COVID-19 Concerns." 15 pages

COURSE No. 200415D00

DESCRIPTION

Life as we know it has changed with the arrival of COVID-19. As schools and businesses are shuttered, the impact on the economy is already being felt. Business owners have no choice but to turn to their insurance coverage to stay in business. To help you navigate the complexities of insurance coverage during this pandemic, Trial Guides is offering a webinar featuring nationally renowned insurance litigators John Houghtaling, Richard Lewis, and Charles Miller.

The panel will discuss the following:

- triggers for coverage;*
- impact of civil authority orders to close;*
- reasons that may be used for denial of coverage; and*
- best practices for guiding your clients through the storm.*

In addition, Mr. Houghtaling, who filed the first every COVID-19 related case in the United States, will discuss this case to help attendees understand why quick and decisive action had to be taken and why they may need to act similarly.

Richard Lewis is the author of Business Income Insurance Disputes and is considered one of the nation's premiere insurance law experts for policyholders.

Mr. Miller has focused his practice exclusively on insurance law since 1990, after leaving a nearly twenty-year career working for an insurance company.

PRESENTERS

JOHN HOUGHTALING, II

- *Managing Partner, Gauthier, Houghtaling LLP*



Admissions: Louisiana

Houghtaling is a nationally recognized attorney who is majority partner of New Orleans-based Gauthier Houghtaling, LLC, the law firm credited with leading a class action lawsuit against Big Tobacco that led to a record \$286 billion settlement.

Houghtaling filed the nation's first lawsuits seeking a court opinion on COVID-19 business interruption claims for a restaurant group in New Orleans, La, and for America's most celebrated Chef Thomas Keller. He also represents the interests of famed Celebrity Chefs Daniel Boulud, Wolfgang Puck and Jerome Bocuse. Together John Houghtaling, Thomas Keller, Wolfgang Puck, Daniel Boulud, Jerome Bocuse and the James Beard Foundation lead a non-profit BIG, Business Interruption Group, formed after the outbreak of the coronavirus, to urge the federal government to assist the insurers that properly pay business interruption claims to save the restaurant industry, the largest private sector employer, that employs 15.6 million people and contributed 1 trillion dollars to the US economy.

Houghtaling has been at the forefront of national first party litigation for two decades. Houghtaling was selected by Louisiana's Attorney General to determine policyholder rights in the aftermath of Hurricane Katrina. His representation of more than 1,000 storm victims in Superstorm Sandy uncovered a national scandal in which top FEMA Executives admitted that companies forged engineering reports to deny coverage to storm victims. Houghtaling's litigation and coordination with the Attorney General of New York exposed the fraud and led to the arrest of an insurance executive, federal fines against an insurer, and hundreds of millions of dollars being recovered by storm victims. Houghtaling's insurance work was the subject of a CBS 60 Minutes special, Frontline Documentary, CBS Evening News profile, and led to the founding of a national non-profit, The American Policyholders Association.

WEBSITES

<https://gmhatlaw.com/john-w-houghtaling>

RICHARD LEWIS

- Partner, Reed Smith
- Adjunct Professor, Insurance Litigation, Maurice A Dean School of Law (Hofstra)
- Author, *Business Income Insurance Disputes*, 2nd Edition
- J.D., magna cum laude, Cornell Law School
- B.A., Oberlin College

**Admissions:** DC, California, New York

*Richard has experience litigating a wide variety of first- and third-party insurance coverage issues. He also has experience in international arbitrations, assisting policyholders in securing coverage under Bermuda forms. Since 1998, a large portion of Richard's practice has involved first-party or property insurance disputes for policyholders nationwide. Richard handled a number of such cases stemming from the 2005 hurricanes, as well as from the attacks of September 11, 2001. These representations ranged from small, mom and pop operations, to clients suffering hundreds of millions of dollars of damage to multiple facilities. He is the author of the treatise *Business Income Insurance Disputes* (Second Edition 2012) which he supplements on an annual basis by reading and reviewing all time-element cases decided in the past year, along with relevant briefing and commentary. This treatise cites and discusses every time-element case ever decided, and aims to assist policyholders in evaluating and perfecting Business Income, Extra Expense, Contingent Business Income, Civil Authority, and other time-element claims. In addition, Richard has also served as an adjunct professor in Insurance Litigation at the Maurice A. Deane School of Law at Hofstra University since 2019.*

WEBSITES

<https://www.reedsmith.com/en/professionals/l/lewis-richard-p>

CHARLES MILLER

- *Principal, solo practice*
- *Insurance Expert*

Admissions: California

Mr. Miller is a licensed attorney in California. Since 1990, Mr. Miller's practice has been devoted to insurance law. Prior to 1990, Mr. Miller was employed in the insurance industry for 18 years, where he worked as an insurance claims representative and claims manager. Mr. Miller has been retained in more than 15 states and territories, including Canada, as an expert on insurance industry practices and standards, as well as on various insurance policy coverage issues. Mr. Miller can be reached at cmiller.ilc@earthlink.net.

