



News

Trial Spotlight: Hinshaw Client Mitsui Sumitomo Secures Case Dismissed Ruling in COVID-19 Coverage Lawsuit

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Hinshaw client Mitsui Sumitomo Insurance USA Inc. recently secured the dismissal of a lawsuit filed by an iconic Hollywood-based restaurant, which sought coverage under an "all risk" policy for financial losses incurred as a result of COVID-19 closure orders. Hinshaw partners Larry Golub and Kent Keller represented Mitsui in the case, along with Riker Danzig Scherer Hyland & Perretti LLP.

The restaurant had argued that a series of COVID-19 stay-at-home orders issued by Los Angeles Mayor Eric Garcetti had barred it from operating since mid-March, since its business is reliant on dine-in services, now prohibited by the orders. However, the policy included a direct physical loss or damage requirement, and Mitsui successfully argued that losses from an inability to use property do not amount to direct physical loss of or damage to property. In its dismissal ruling, the court stated that even if the restaurant had suffered the requisite direct physical loss or damage to its property, the policy's exclusion for virus-related losses would have excluded coverage.

The ruling was given media coverage by *Law360* in a story titled "[Famed Hollywood Restaurant Loses COVID-19 Coverage Bid.](#)"

The case is *Musso & Frank Grill Co. Inc. v. Mitsui Sumitomo Insurance USA Inc.*, case number 20STCV16681, in the Superior Court of the State of California, County of Los Angeles.

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