

## TIMED AGENDA

:00	<i>Introduction</i>
:05	<i>Defenses Against the Virus Exclusion</i>
:20	<i>Status of Federal Legislation</i>
:30	<i>Responding to Other Insurer Positions</i>
:45	<i>Other Exclusions Relied Upon by Insurers</i>
1:00	<i>Responding to Insurer Reservation of Rights</i>
1:10	<i>Remediating the Coronavirus Contaminated Property</i>
1:20	<i>Developing a Bad Faith Cause of Action</i>
1:25	<i>Conclusion</i>
1:30	<i>End of Program</i>
:30	<i>Question and Answer period</i>
<i>Total Minutes: 90</i>	

### EDUCATIONAL MATERIALS

*Houghtaling, John; Richard Lewis and Charles Miller. "The Coronavirus and Insurance, Part II," presentation. 2020. 67 slides*

*Example Court Docs, 129 pages*

*Example Government and Industry Guidelines, 89 pages*

*Expert CVs, 47 pages*

*Liberty Mutual Case documents, 89 pages*

*MDS Court Documents, 113 pages*

### COURSE NO. 200532

#### DESCRIPTION

*Building on their previous webinar, John Houghtaling, Richard Lewis, and Charles Miller will share up-to-date information on business interruption coverage and related issues. They will cover attacking and defeating the virus exclusion and responding to insurance industry defenses that the presence of the virus does not constitute physical loss or damage. The trio will then expand into calculating business income loss or damage and reviewing possible agent and broker liability. Houghtaling, Lewis, and Miller also have recommendations for responding to insurance company reservation of rights letters.*

*They will conclude the program by reviewing current developments in federal and state legislation and coronavirus business income litigation, and describe the keys to developing a bad faith cause of action on issues related to COVID-19..*

## 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*, 2<sup>nd</sup> 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](mailto:cmiller.ilc@earthlink.net).*

