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Coronavirus

As a new strain of coronavirus (covid-19) sweeps through the world, stay up-to-date on the latest preparedness plans, school closings, changed polling locations, and more in the Tri-State.

How One Local Restaurant's Lawsuit May Help Others Collect Insurance On COVID Closures

91.7 WXXU | By [Ann Thompson](#)

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Courtesy Of Primavista /

A Hamilton County judge is allowing Primavista's lawsuit against Cincinnati Insurance to proceed to trial.

A decision by a Hamilton County judge Jan. 7 may open the door for many Ohio businesses to sue insurance companies over lost business due to COVID.

Judge Thomas Beridon refused to dismiss a lawsuit filed by the restaurant Primavista against Cincinnati Insurance, saying, "whether COVID-19 and/or Ohio's orders caused property damage is a question of fact. As such, a reasonable jury could

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The Price Hill restaurant says it had a comprehensive policy with broad coverage and viruses are not excluded.

Primavista attorney Steve Wolterman says the fact that the policy did not exclude coverage for viruses, like many policies do, "was a driving factor in causing our client to believe coverage was applicable here."

Wolterman sees this court decision as "an extremely important hurdle but it's an early one. There's a long road ahead." He intends to file a class-action lawsuit for the dozens and dozens of Ohio businesses he's heard from who are insured by Cincinnati Insurance.

Wolterman's partner Matt Metzger says some businesses just take the insurance company's word for it that loss of business because of COVID is not covered.

"This is not a settled question," he says. "There are dozens of cases that disagree with that contention and dozens of cases around the country that are going to trial where a jury is going to decide that issue, whether a virus does cause physical loss or physical damage."

Cincinnati Insurance didn't want to comment on pending litigation but said this in an email to WVXU:

"We respect the legal process. As this case continues, we believe that the language of our policy contract will ultimately be enforced. Our commercial property insurance policies require direct physical loss or damage to property and do not provide coverage in this case."

Primavista was closed for months and has since reopened with reduced capacity.

Read Judge Beridon's order in full below.

[Judge Beridon Order Denying Motion to Dismiss](#) by [WVXU News](#) on Scribd

damage is a question of fact. As such, a reasonable jury could find that Primavista was entitled to coverage. Accordingly, Cincinnati Insurance's Motion to Dismiss is Denied.

So Ordered.


Judge Thomas O. Beridon

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With more than 30 years of journalism experience in the Greater Cincinnati market, Ann Thompson brings a wealth of knowledge and expertise to her reporting. She has reported for WKRC, WCKY, WHIO-TV, Metro Networks and CBS/ABC Radio.

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market radio in Ohio. She has won awards from the Association of Women in Communications and the Alliance for Women in Media. Ann reports regularly on science and technology in Focus on Technology.

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