



## **Reopening schools in violation of governor's orders**

You may be seeking advisory opinions on how insurance coverage would apply if your organizations or you are sued related to the spread of COVID-19. Unfortunately, CM Regent cannot answer hypothetical claims questions, as the answers are almost always fact dependent.

- As with any claim, we'd undertake an investigation into all facts and applicable law.
- Whether insurance coverage applies to defend or indemnify an insured depends on the allegations contained in the lawsuit against the insured.
- A commercial general liability insurance policy does cover, subject to the terms, conditions and exclusions of the coverage, suits for "bodily injury," meaning in short "bodily injury, sickness or disease sustained by a person, including death resulting from any of these at any time."
- If a suit is brought against the insured alleging that the insured was negligent in its operations, which allowed an individual to contract COVID-19, coverage may potentially apply to defend and indemnify the insured against such claims.

As a general principle, CM Regent recommends you comply with all federal, state and local laws and ordinances related to COVID-19. General liability policies do have exclusions that may apply, including an exclusion for "expected or intended" injury or damage.

- Opening a school in a manner that directly violates the Governor's orders may constitute an intentional act, which could potentially impact general liability coverage.
- The laws and criteria on reopening are rapidly evolving. This makes the analysis much more difficult and is why we would suggest that you consult with their legal counsel with appropriate expertise when considering specific reopening plans and follow counsel's advice. Seeking a legal opinion and following such opinion would likely not mean there has been an intentional act to incur an injury.

Again, should a claim be presented, CM Regent would undertake an investigation at that time into what, if any, insurance coverage would apply. CM Regent reserves all rights under the policy and applicable law.

We recommend you take necessary safety precautions to avoid the spread of COVID-19 and follow the Centers for Disease Control and Prevention (CDC) guidelines available on our website: <https://coronavirus.churchmutual.com>.