

United States Court of Appeals
For the Eighth Circuit

No. 21-2752

United Hebrew Congregation of St. Louis

Plaintiff - Appellant

v.

Selective Insurance Company of America, a New Jersey Corporation

Defendant - Appellee

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: March 22, 2022

Filed: April 5, 2022

[Unpublished]

Before BENTON, LOKEN, and SHEPHERD, Circuit Judges.

PER CURIAM.

Missouri synagogue United Hebrew Congregation of St. Louis appeals the district court's¹ dismissal of its diversity action raising claims under Missouri state

¹The Honorable Henry E. Autrey, United States District Judge for the Eastern District of Missouri.

law based on Selective Insurance Company of America's denial of coverage for lost business income caused by the Covid-19 pandemic. Following a careful review, we conclude that the district court did not err in dismissing the case, see Plymouth Cty. v. Merscorp, Inc., 774 F.3d 1155, 1158 (8th Cir. 2014) (de novo review), as United Hebrew's argument that its pandemic-related closure constituted a direct physical loss of property is foreclosed by our prior precedent, see Oral Surgeons, PC v. Cincinnati Insurance Co., 2 F.4th 1141, 1144 (8th Cir. 2021) (direct physical loss requires some physicality to the loss or damage of property, such as physical alteration, physical contamination, or physical destruction; mere loss of use without physical loss or damage does not suffice). Accordingly, we affirm. See 8th Cir. R. 47B.
