

**IN THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS**

SHOPONE CENTERS REIT INC.	)	
	)	
Plaintiff,	)	2021L 000408
	)	
v.	)	Case No.: 21-L-_____
	)	
ZURICH AMERICAN	)	JURY TRIAL DEMANDED
INSURANCE COMPANY and	)	
AMERICAN GUARANTEE & LIABILITY	)	
COMPANY	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiff ShopOne Centers REIT Inc. (“ShopOne” and/or “Plaintiff”), for its Complaint against Zurich American Insurance Company (“Zurich”) and American Guarantee and Liability Insurance Company (“American”), states as follows:

**PARTIES**

1. ShopOne is a Maryland corporation doing business in Ohio, Michigan, Florida, Georgia, California, New Jersey, Maryland, New York, Pennsylvania, and Nevada.
2. Zurich is a New York property and casualty stock company with its principal place of business in Illinois.
3. American is a New York property and casualty stock company with its principal place of business in Illinois. American is a wholly owned subsidiary of Zurich. American and Zurich are collectively referred to herein as “Defendants.”

**JURISDICTION AND VENUE**

4. This Court has personal jurisdiction over Defendants because Defendants have their principal place of business in Illinois and are, therefore, citizens of Illinois.

5. Defendants conduct their usual and customary business within Madison County, including by soliciting business in Madison County to Madison County residents, selling their products through agents at multiple office locations in Madison County, and servicing customers in Madison County. Accordingly, venue is proper in this district because Defendants are doing business in and, are therefore, residents of, Madison County, Illinois.

## FACTUAL ALLEGATIONS

### A. The Global COVID-19 Pandemic

6. According to the World Health Organization (“WHO”), COVID-19 is an infectious disease for which, until very recently, there are no vaccines or treatments.<sup>1</sup> It spreads easily from person-to-person.<sup>2</sup>

7. When an infected person coughs, sneezes, or even just talks, droplets with the infectious agent fly into the air from the person’s nose or mouth and can thereby infect others. This can occur even if the person is asymptomatic.<sup>3</sup> As WebMD states, “Some people who don’t know they’ve been infected can give it to others. This is called asymptomatic spread. You can also pass it on before you notice any signs of infection, called presymptomatic spread.”<sup>4</sup>

8. Thus, there is no way to know whether a person with whom one comes into contact might be spreading the disease.

9. The coronavirus can live in the air for up to three hours, be breathed in by others, and get into their lungs, where it can infect them.<sup>5</sup>

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<sup>1</sup> [https://www.who.int/health-topics/coronavirus#tab=tab\\_1](https://www.who.int/health-topics/coronavirus#tab=tab_1) (accessed 11/3/2020).

<sup>2</sup> <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/summary.html#:~:text=On%20March%2011%2C%20the.of%20new%20influenza%20viruses.> (accessed 11/3/2020).

<sup>3</sup> <https://www.webmd.com/lung/coronavirus-transmission-overview#1> (accessed 11/3/2020).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

10. The coronavirus can also infect people who touch surfaces, such as countertops, furniture, doorknobs and other surfaces in a business that contain the virus. It can live on plastic and stainless steel for up to three days.<sup>6</sup>

11. According to the Centers for Disease Control, COVID-19 can cause mild to severe symptoms, such as cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat and loss of taste or smell.<sup>7</sup>

12. COVID-19 is a new disease. The first known outbreak was a cluster of cases of pneumonia in Wuhan, Hubei Province in China in December 2019.<sup>8</sup> The disease did not even have an official name when WHO declared a “Public Health Emergency of International Concern” on January 30, 2020.<sup>9</sup> The disease was given its name by WHO on February 11, 2020, short for “coronavirus disease 2019.”<sup>10</sup>

13. After it was discovered, COVID-19 spread rapidly. On March 11, 2020, “[d]eeply concerned both by the alarming levels of spread and severity, and by the alarming levels of inaction, WHO made the assessment that COVID-19 can be characterized as a pandemic.”<sup>11</sup>

14. A pandemic is “an outbreak of a disease that occurs over a wide geographic area and affects an exceptionally high proportion of the population.”<sup>12</sup> To be classified as a pandemic, WHO requires “the worldwide spread of a new disease.”<sup>13</sup>

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<sup>6</sup> *Id.*

<sup>7</sup> <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html> (accessed 11/3/2020).

<sup>8</sup> <https://www.who.int/news-room/detail/27-04-2020-who-timeline---covid-19> (accessed 11/3/2020).

<sup>9</sup> <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen> (accessed 11/3/2020).

<sup>10</sup> [https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200211-sitrep-22-ncov.pdf?sfvrsn=fb6d49b1\\_2](https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200211-sitrep-22-ncov.pdf?sfvrsn=fb6d49b1_2) (accessed 11/3/2020).

<sup>11</sup> <https://www.who.int/news-room/detail/27-04-2020-who-timeline---covid-19> (accessed 11/3/2020).

<sup>12</sup> <https://www.merriam-webster.com/dictionary/pandemic> (accessed 11/3/2020).

<sup>13</sup> [https://www.who.int/csr/disease/swineflu/frequently\\_asked\\_questions/pandemic/en/](https://www.who.int/csr/disease/swineflu/frequently_asked_questions/pandemic/en/) (accessed 11/3/2020).

