

IN THE DISTRICT COURT OF CHEROKEE COUNTY
STATE OF OKLAHOMA

CHEROKEE NATION,
ET AL.,

Plaintiffs,

Vs.

Lexington Insurance Company,
ET AL.

Respondents.

ORIGINAL
CASE NO. CV-2020-150
FILED
JAN 14 2021

LESA ROUSEY-DANIELS, Court Clerk
CHEROKEE COUNTY
By _____ Deputy

ORDER

COMES NOW on this 14 day of January, 2021 after conducting a hearing, reviewing the legal authorities, and taking this issue under advisement, the Court grants the Plaintiffs' Motion for Partial Summary Judgement. This issue is ripe for Summary Judgement as coverage for "Business Interference Coverage" is a legal issue.

Using language from *Elegant Massage LLC vs. State Farm*, while this insurance policy was in effect, the Plaintiffs have shown a "plausible claim for a fortuitous 'direct physical loss'". However, the Respondents have not shown that "exclusionary language in the policy applies to the facts" which denies Plaintiffs' Business Interference Coverage.

WHEREFORE, It is the Order of this Court that Plaintiffs' Motion for Partial Summary Judgement is granted.



Judge of the District Court

CC: Michael Burrage

Roger Butler
Kerry Lewis
Larry Ottaway
Dustin DeBose

Shannon O'Malley
Margo Shipley
Dan Millea
Richard Doren

Amy Churan
Joe Hampton