

SUPREME COURT
STATE OF NEW YORK COUNTY OF ONONDAGA

6593 WEIGHLOCK DRIVE, LLC and 6580 WEIGHLOCK
DRIVE COMPANY, LLC,

Plaintiffs,

SUMMONS

-against-

Index No.

SPRINGHILL SMC CORPORATION, FAIRFIELD FMC, LLC,
MARRIOTT INTERNATIONAL, INC., and ZURICH
AMERICAN INSURANCE COMPANY,
Defendants.

Plaintiff designates Onondaga County as the place of trial.

The basis of the venue is the place of the occurrence.

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within **20** days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken by default for the relief demanded in the complaint.

Dated: August 4, 2020
Syracuse, New York



Martin A. Lynn, Esq.

Kelsey W. Shannon, Esq.

LYNN LAW FIRM LLP

Attorneys for Plaintiff

750 M&T Bank Building, 101 South Salina Street

Syracuse, NY 13202

Telephone: (315) 474-1267

Email: mlynn@lynnlaw.com

kshannon@lynnlaw.com

Defendants' Address:

Springhill SMC Corporation, 10400 Fernwood Road, Bethesda, Maryland 20817

Fairfield FMC, LLC, 10400 Fernwood Road, Bethesda, Maryland 20817

Marriott International, Inc., 10400 Fernwood Road, Bethesda, Maryland 20817

Zurich American Insurance Company 1299 Zurich Way, Schaumburg, IL 60196

LYNN LAW FIRM, LLP ATTORNEYS AT LAW SYRACUSE, NEW YORK

SUPREME COURT
STATE OF NEW YORK COUNTY OF ONONDAGA

6593 WEIGHLOCK DRIVE, LLC and 6580 WEIGHLOCK
DRIVE COMPANY, LLC,

Plaintiffs,

VERIFIED COMPLAINT

-against-

Index No.

SPRINGHILL SMC CORPORATION, FAIRFIELD FMC, LLC,
MARRIOTT INTERNATIONAL, INC., and ZURICH
AMERICAN INSURANCE COMPANY,
Defendants.

Plaintiffs, 6539 Weighlock Drive, LLC and 6580 Weighlock Drive Company, LLC
("Plaintiffs"), by and through their attorneys, the Lynn Law Firm LLP, complaining of the defendants,
Springhill SMC Corporation ("Springhill"), Fairfield FMC, LLC ("Fairfield"), Marriott International,
Inc. ("Marriott International" and, collectively with Springhill and Fairfield, the "Marriott Defendants"),
and Zurich American Insurance Company ("Zurich" and, together with remaining defendants,
collectively "Defendants") alleges and respectfully shows to the Court as follows:

INTRODUCTION

1. The plaintiffs own and operate two Marriott-flagged hotels in Syracuse's Carrier Circle area. The plaintiffs contract with two Marriott entities (the Springhill and Fairfield defendants) to manage those businesses.

2. Beginning in approximately January 2020, SARS-CoV2, the "novel coronavirus", began spreading in New York State.

3. As all are now aware, this virus spreads through droplets and aerosols and can, according to scientists, live on surfaces for up to several days.

4. As the virus reached Onondaga County, the State and County implemented dramatic and unprecedented closure orders, bringing economic activity to nearly a complete halt.

5. As the virus has continued to spread through the area (and, indeed, through the world), plaintiffs have lost millions of dollars.

6. The plaintiffs had business income coverage, and several other coverages, that were intended to and marketed as insurance for exactly these types of events: when, through no fault of their own, a foreign substance caused damage that threatened the entire economic foundation of their businesses.

7. The plaintiffs submitted claims to their insurer, defendant Zurich, for the losses as covered under their policy. Zurich denied those claims without even a cursory investigation.

8. The Marriott Defendants, who were contractually obligated to acquire insurance that would protect plaintiffs in these circumstances, have likewise denied all responsibility.

9. Plaintiffs strive merely to stay afloat, the companies that plaintiffs have relied on – and paid handsomely – to protect them have been nowhere to be found. Plaintiffs contracted with international and sophisticated companies to protect them from risk. When that loss occurred, despite their contractual obligations, Zurich and the Marriott Defendants now insist plaintiffs are on their own.

PARTIES

10. At all relevant times herein, plaintiff 6593 Weighlock Drive, LLC (“6593 Weighlock”) is a domestic limited liability company with a principal place of business in Syracuse, New York.

11. At all relevant times herein, 6593 Weighlock owns and operates a hotel known as the Fairfield Inn & Suites by Marriott Carrier Circle, located at 6593 Weighlock Drive, East Syracuse, NY 13057.

12. In addition to guestrooms, The Fairfield Inn & Suites by Marriott Carrier Circle offers important amenities: a fitness center, indoor pool, conference center, and breakfast buffet.

13. At all relevant times herein, plaintiff 6580 Weighlock Drive Company, LLC ("6580 Weighlock") is a domestic limited liability company with a principal place of business in Syracuse, New York.

14. At all relevant times herein, 6580 Weighlock owns and operates a hotel known as the SpringHill Suites by Marriott Carrier Circle, located at 6580 Weighlock Drive, East Syracuse, NY 13057.

15. The SpringHill Suites by Marriott Carrier Circle is an all-suite hotel that offers important amenities: a fitness center, indoor pool, conference center, and breakfast buffet.

16. Upon information and belief, Fairfield FMC, LLC is a Delaware corporation with a principal place of business in Bethesda, Maryland, and a mailing address of 10400 Fernwood Road, Bethesda, Maryland 20817.

17. Upon information and belief, Springhill SMC Corporation a Delaware corporation with a principal place of business in Bethesda, Maryland, and a mailing address of 10400 Fernwood Road, Bethesda, Maryland 20817.

18. Upon information and belief Zurich American Insurance Company is a New York corporation with a principal place of business in Schaumburg, Illinois, and a mailing address of 1299 Zurich Way, Schaumburg, IL 60196.

19. Upon information and belief, Zurich American Insurance Company is authorized to sell insurance in the State of New York.

20. Upon information and belief, Marriott International, Inc. is a Delaware corporation with a principal place of business in Bethesda, Maryland, and a mailing address of 10400 Fernwood Road, Bethesda, Maryland 20817.

21. Upon information and belief, the Marriott Defendants (i.e., Springhill, Fairfield, and Marriott International) are part of the global Marriott company. Upon information and belief, the Marriott companies are the largest hotel business in the world.

THE GOVERNMENTAL ORDERS

22. On March 7, 2020, New York Governor Andrew Cuomo issued Executive Order 202 declaring a public emergency in New York State.

23. On March 20, 2020, Governor Cuomo issued Executive Order 202.8. Pursuant to Executive Order 202.8, all non-essential businesses were ordered closed effective March 22, 2020 at 8 p.m. All non-essential businesses were required to reduce their in-person workforces by 100 percent.

24. These closures were extended by successive Executive Orders 202.10, 202.11, 202.13, and 202.18. These State-wide orders required the closure of *all* nonessential businesses through at least May 15, 2020.

25. Beginning on May 15, 2020, the State started to permit certain other industries to open on a region-by-region and industry-by-industry basis. This was first instituted through Executive Order 202.31.

26. Parts of the state, including the most populous regions, continued to be subject to mandatory closures of all nonessential businesses under Executive Order 202.31 and later implementing orders.

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