

# COVID-19 Litigation Trends: What We're Seeing and What to Expect



## COVID-19

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April 21, 2020

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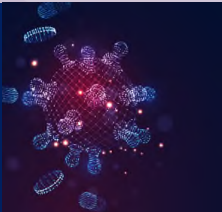
# Not If or When -- Now

[POLITICS](#)

## Coronavirus goes to court: After lives and livelihoods come the lawsuits

**Richard Wolf** USA TODAY

Published 5:00 a.m. ET Apr. 3, 2020 | Updated 6:08 a.m. ET Apr. 3, 2020



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# Front Lines: March 9, 2020



**CRUISES**

## 'Totally freaked out': Grand Princess passengers share coronavirus fears; 1,406 disembark

**David Oliver and Morgan Hines** USA TODAY

Published 9:40 a.m. ET Mar. 10, 2020 | Updated 6:14 a.m. ET Mar. 11, 2020



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## COVID-19 Timeline in Michigan



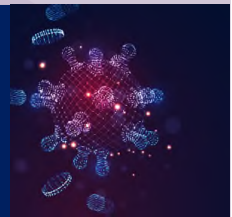
- 1/30/20: World Health Organization declares outbreak a Public Health Emergency of International Concern.
- 2/28/20: Gov. Whitmer announces the state will activate its emergency operations center to prepare for potential cases.
- 3/10/20: Michigan confirms its first two COVID-19 cases and declares state of emergency.
- 3/11/20: World Health Organization designates COVID-19 as a pandemic.
- 3/13/20: Michigan announces closure of all Michigan K-12 schools, bans all gatherings of 250 or more, and announces other restrictions.
- 3/16/20: Michigan bans gatherings of 50 or more and issues order to close all dine-in bars/restaurants, gyms, and other establishments.
- 3/23/20: Michigan issues stay-at-home order for all non-essential workers.

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## Employees: OSHA Complaints

From January 1<sup>st</sup> through early April, more than 3,000 OSHA complaints filed regarding COVID-19 from employees at a wide range of workplaces (e.g., healthcare facilities, factories, funeral homes and Yosemite National Park):

- Shortage or complete unavailability of masks/gloves
- Not being allowed to wear PPE because it might make customers uncomfortable or is being “saved” for others
- Unable to practice social distancing due to work place layout (e.g., shoulder to shoulder in factory)
- Having to personally provide cleaning supplies for their workplace



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# Employees: Exposure



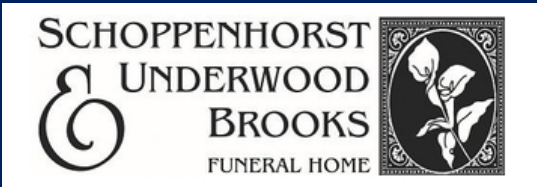
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# “Employees”: Conditions and Pay



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# Employees: Whistleblowing



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# Consumers: Exposure



## Q&A: COVID-19 Lawsuits Possible Now That Nursing Homes on Notice

"Old people get infections," said Michael Brusca, of Davis & Brusca. "The issue you are looking at is, how did they respond to the infection?"

By **Amanda Bronstad** | March 31, 2020



### HEALTH

## 'Got my blood boiling': Florida nursing homes ask governor for immunity from coronavirus lawsuits

**Grace Hauck** USA TODAY

Published 6:35 p.m. ET Apr. 11, 2020 | Updated 3:06 p.m. ET Apr. 12, 2020



4 Utah Poised to Let Law Grads Skip the Bar Exam Amid COVID-19 Pandemic

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# Consumers: False Advertising



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# Consumers: Price Gouging



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# Class Actions



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# Consumer Class Actions: Refunds



ticketmaster®



UNITED



StubHub



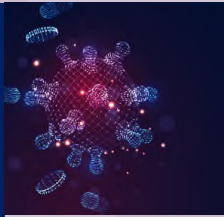
24 FITNESS



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# Consumer Class Actions: Privacy



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# Environmental Actions

Solis v. Hilco Redevelopment, LLC



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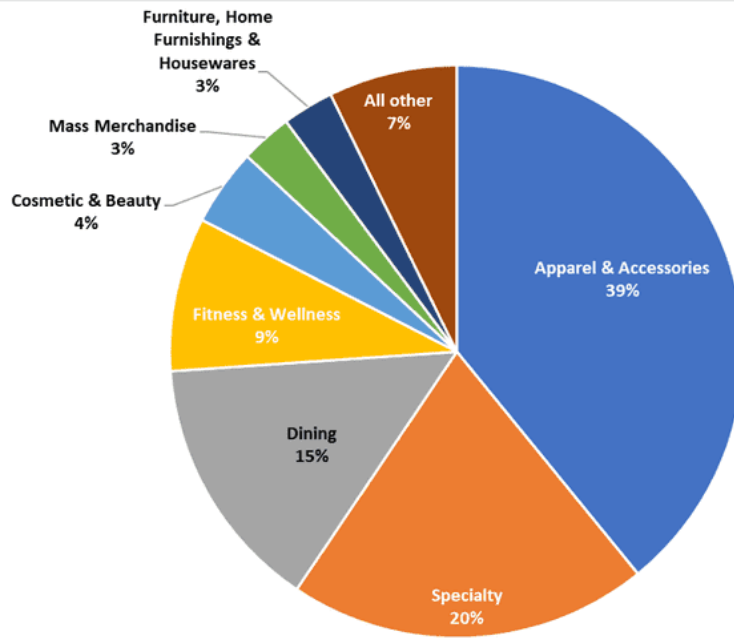
# Landlord-Tenant

Forbes

650 views | Apr 14, 2020, 09:47am EDT

## \$20 Billion In Retail Only Way Forward

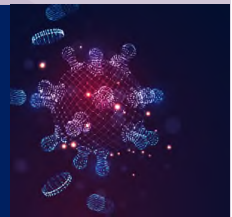
Greg Maloney Contributor  
Retail





## B2B: Real Estate and Construction

- Construction projects come to a halt: Force Majeure clauses are being dusted off
- Municipal processes delayed
- On the transaction side, deals are being held up
- Financing unknowns driving uncertainty
- Litigation in this area will ramp up:
  - Construction / lien disputes
  - Deals-gone-bad litigation
  - Lease default litigation
  - Receiverships for distressed properties



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## Insurance



49. State and local governmental authorities, and public health officials around the Country, acknowledge that COVID-19 and the Pandemic cause direct physical loss and damage to property. For example:

- a. The state of Colorado issued a Public Health Order indicating that “COVID-19... physically *contributes to property loss, contamination, and damage...*” (Emphasis added);
- b. The City of New York issued an Emergency Executive Order in response to COVID-19 and the Pandemic, in part “because the virus *physically is causing property loss and damage.*” (Emphasis added);

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## Insurance

“We are banding together to launch BIG legal action in every state against insurers who deny funds for civil authority coverage. Immediate payment is due on policies that do not contain a virus exclusion. We are willing to support federal subsidies for insurers who cooperate with us, but the window for a solution is closing fast.”

JOHN HOUGHTALING

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# B2B: Cancellations



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# B2B: Mergers & Acquisitions

 SoftBank

wework

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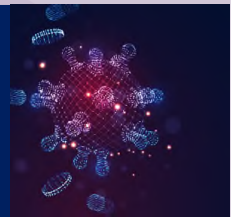
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# B2B: Supply Chain

It's Coming . . .



# B2B: Trademark



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# B2B: Banking



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# Shareholder



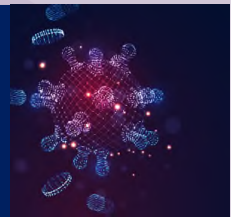
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# Government: Challenging Executive Orders



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# Government: Advertising



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## Government: Small Business



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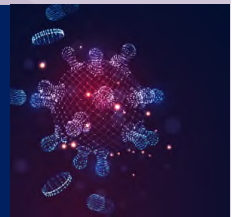
## Upcoming Webinars

April 24: Strategies and Pitfalls for Retaining, Terminating and Returning Employees to Work in the World of COVID-19

April 29: What's Next? How Landlords, Tenants and Lenders are Navigating the COVID-19 Pandemic

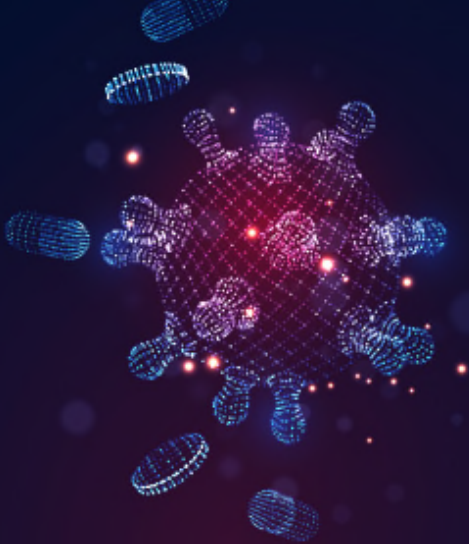
"Return to Work" Series:

- April 24: From the Capitol: COVID-19 Update
- April 27: Returning Employees to Work After COVID-19
- April 29: Preparing the Facility for Operations After COVID-19
- May 1: Managing External Relationships and Supply Chains After COVID-19



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Thank You



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