

## **THIELE'S CORNER**

**RE: COVID-19**

**AUGUST 28, 2020**

THE CORONAVIRUS HAS AFFECTED ALL BUSINESSES AND EMPLOYERS. UNFORTUNATELY, LAWYERS ARE WITHOUT CLEAR AND DEFINITE BASES TO ADVISE OUR CLIENTS ON MANY OF THE QUESTIONS THAT ARISE DAILY IN THEIR COURSE OF BUSINESS. AT A MINIMUM WE ADVISE TO COMPLY WITH THE SUGGESTIONS OF THE UNITED STATES CENTER FOR DISEASE CONTROL, AS WELL AS FROM OUR STATE AND LOCAL GOVERNMENTS. IN ADDITION WE ARE PAYING ATTENTION TO OUR VARIOUS BAR ASSOCIATIONS, BLOGS, AND EMAILS FROM MYRIAD SOURCES WITH THEIR SUGGESTIONS AND NEWS.

ALPI IS COVERED BY SEVERAL INSURANCE POLICIES FOR BUSINESS INTERRUPTION, WORKERS COMPENSATION, DISCRIMINATION IN EMPLOYMENT, NEGLIGENCE, AND THE LIKE.

LITIGATION IS PENDING AND IS FURTHER EXPECTED IN MANY IF NOT ALL JURISDICTIONS OVER INSURANCE POLICY COVERAGE FOR CLAIMS BY EMPLOYEES AND OTHERS WHO SUE A BUSINESS/CORPORATION/EMPLOYER FOR DAMAGES DUE TO MEDICAL EXPENSES, TERMINATION, REINSTATEMENT TO EMPLOYMENT, AND EVEN DEATH.

I AM NOT YET AWARE OF COURTS IN ALPI'S JURISDICTIONS THAT HAVE RENDERED DECISIONS THAT IMMEDIATELY AFFECT YOU. SO FAR THE DECISIONS I AM AWARE OF ARE IN OTHER FEDERAL DISTRICT COURTS WHICH WOULD BE APPEALED TO OTHER FEDERAL CIRCUIT COURTS OF APPEAL; OR, FROM OTHER STATES. THOSE COURTS WHO HAVE RENDERED DECISIONS HAVE VERY CLOSELY READ AND CONSIDERED THE EXACT WORDING OF EACH INSURANCE POLICY AND ALL OF ITS IMPLICATIONS AS MATTERS OF CONTRACT AND INSURANCE LAW.

ON THE LEGISLATIVE FRONT, THE FEDERAL AND MANY STATE LEGISLATURES ARE CONSIDERING PROPOSED LAWS TO LIMIT OR COMPLETELY INSULATE BUSINESSES FROM ANY LIABILITY FOR DAMAGES IN COVID-19 RELATED CLAIMS. THOSE PROPOSED LAWS WILL BE CONSIDERED AND DECIDED UPON IN THE COMING MONTHS.