



COVID-19 Actions & Insurance Implications

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SPECIAL EDITION WEBINAR!!

Join our General Counsel and Director of Claims & Risk Management, Matt Fischer, as he interviews Noel Fisher, President & CEO of CORE TEAM, INC. as they discuss the technicalities of reopening.

Reopening Your Buildings - Let's Get Technical!

Date: Thursday, June 4, 2020

Time: 12:30pm EDT / 9:30am PDT (1 hour)

Please Register: [Click Here](#)

Recent News

- Owners of luxury apartments have faced few COVID-19 related issues with rent collection, maintaining high rates of rent collection. [Click Here](#)
- Return to work "bonuses" are now being examined by federal officials. [Click Here](#)
- Hotel operators are shifting financial resources from amenities and traditional maid service to COVID-19 focused sanitization and cleaning. [Click Here](#)
- The majority of COVID-19 related workers' compensation claims in California have been accepted. [Click Here](#)
- Axa lost a suit in a Parisian commercial court brought against it for the payment of COVID-19 related business interruption losses. [Click Here](#)
- In Georgia, a bankruptcy focused law firm is suing Hartford for a denial of COVID-19 related claims alleging that COVID-19 does not trigger the pollution exclusion. [Click Here](#)
- Bankruptcies are expected to surge, resulting in negative effects for property owners with portfolios focused on retail. [Click Here](#)
- Hospitalizations related to COVID-19 have begun to rise as states have begun to reopen. [Click Here](#)
- UV sanitization processes may be an option for some businesses. [Click Here](#)

Actions & Analysis - Week in Review

- Ensure that plans for reopening have been reviewed with all necessary employees and vendors so that reopening can proceed. Continue to monitor PPE supplies and the procedures used for sanitation.
- Review the use of liability waivers and COVID-19 related signage in public spaces for accuracy and efficacy.

As buildings and other venues begin to reopen, many organizations are asking vendors, tenants, and the general public to waive liability related to the contraction of COVID-19 and the coronavirus. For construction contracts or other formalized vendor relationships where written contracts have been used, addenda or other written documents can address concerns related to COVID-19. In fact, many businesses have put together such contractual additions to also require that vendors warrant certain additional measures and social distancing procedures are followed by their vendors. The efficacy of such waivers will vary state by state and the law of each jurisdiction. Some states prohibit any contractual attempts to limit future liability, while other jurisdictions routinely enforce such contractual terms.

However, the most pressing issue facing businesses and landlords will be the arrival of the general public, visitors, or others with whom there are no established contractual relationships. Some organizations such as gyms, sports programs, or other ventures which already require waivers of liability will have a greater opportunity to include additional terms related to COVID-19. For those businesses where such written waivers are a practical impossibility, signage has become a popular option. The use of waivers and measures so that participants assume the risk has long been a factor of the legal landscape. For example, the back of a ticket to a baseball game contained paragraphs of information about releasing the team from liability and the spectator assuming the risk of attending the game, yet recently we still have seen baseball clubs install additional netting to prevent foul balls from entering the stands. The signage both in the stadium and on the ticket no longer provided adequate liability protection as fans became less attentive, more litigious, and more likely to succeed in court.

Similarly, the use of signage related to COVID-19 should not be relied upon as a completely effective tool related to COVID-19 liabilities. In addition to the differences in state laws related to waivers of liabilities in general, signage will likely only fulfill an organization's duty to warn. Now the fulfillment of such a duty is an important one, and by fulfilling such a duty the sign will allow organizations facing liability lawsuits to possibly argue contributory negligence or otherwise shift appropriate burdens on the visitors to the property. From that viewpoint, signage can be quite a welcome and useful addition to public spaces; and many businesses such as Universal Orlando, are utilizing signage as part of an overall response plan to COVID-19. As always, businesses should consult with counsel about local laws and rules related to signage and the legal ramifications of using same.

[Claims Processing](#)

[RM Best Practices for Operating Properties](#)

[RM Best Practices for a Construction Operation](#)

[List of Useful Websites](#)

[Latest Executive Orders by State](#)

[Additional News Resources by State](#)

[Debbie Dorsch](#)

Principal + Owner
(410) 491-2391

[Eileen Hartzell](#)

Principal + Owner
(443) 386-8075

[Jessica Gray](#)

Principal + Owner
(202) 262-4711

[Matthew Fischer](#)

General Counsel, Director of Claims & Risk Management
(443) 353-0559