

MARCH 26, 2020



COVID-19: Are We Prepared for the Lawsuits?

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SHOOK
HARDY & BACON

Today's discussion

COVID-19 pandemic is an unprecedented crisis having a profound effect on public health, the economy, and ordinary life.

- Previous “black swan” / external events have had an impact on society and the liability system
- Y2K and 9/11 terrorist attacks – what are the parallels and differences?

Today's webinar will explore:

1. What lawsuits have been filed so far?
2. What are the liability threats against businesses?
3. What are the liability threats against healthcare providers?
4. What are the challenges for plaintiffs and defendants?

Question & Answer (submit via text box)

The First COVID-19 Lawsuits

- Personal injury
 - Grand Princess cruise lawsuits
- Consumer class actions
 - Purell hand sanitizer
 - Germ-X
- Government enforcement actions
 - Silver Solution
 - coronavirusmedicalkit.com

What's Next?

Lawsuits Against Businesses

- Opportunities for Lawsuits
 - Individuals diagnosed with COVID-19
 - Individuals exposed to COVID-19 who did not develop it
- Potential Targets & Claims
 - Businesses for exposing customers
 - Employers for work-related employee exposure
 - Manufacturers of products that protect against COVID-19
 - Healthcare providers

What's Next?

Lawsuits Against Healthcare Providers

- Patients who contract COVID-19 at doctor's office or hospital
- Healthcare workers who allege they lacked sufficient protective equipment
- Medical liability actions alleging a non-COVID-19 patient should have been admitted or was discharged too early
- Actions from treatment decisions stemming from lack of available equipment, such as ventilators

Potential Trial Lawyer Greed in Time of Need: How to Flatten the Curve

- Innovative trial lawyers will search for claims to bring on behalf of “victims” injured or potentially injured by COVID-19
 - Externalizing responsibility
- Challenges for COVID-19 Plaintiffs
 - Causation. Causation. Causation.
 - Comparative fault/assumption of risk
- Opportunities for Creative Claims
 - Loss of chance
 - Medical monitoring
 - No injury, fear of injury, and emotional harm
 - Failure to warn
- Challenges for COVID-19 Defendants
 - Pressure to settle surge of claims
 - Damage to reputation

Question & Answer

Join us for Part 2 of this Webinar:
Legislative Responses to Tort Liability During a Crisis:
Separating Legitimate Lawsuits from Inappropriate or Marginal Claims
Thursday, April 2, 1 p.m. EDT