

## **MELICK & PORTER, LLP COVID-19 MEMO:**

Melick & Porter, LLP provides you with the below update regarding the impact of COVID-19 on issues relating to insurance in the United States. The below is not meant to be all-inclusive, but provides an overview as to the trends in the United States. If you have any questions regarding any of the updates below, please do not hesitate to contact us.

### **SUMMARY OF IMPORTANT LEGISLATION AND EMERGENCY ORDERS AND DIRECTIVES:**

Below we provide an overview as to the types of legislative actions that have been occurring, both on a federal and state level.

- As Congress headed into the Memorial Day weekend, the stalemate remained between Senate Republicans who wish to hold off before considering any additional emergency stimulus bill and House Democrats who are pushing for action on their HEROES Act passed last week. Senators continue discussions on liability protection for businesses, schools, and other entities.
- President Donald Trump released an executive order to increase the development of domestic medical supply manufacturing through an International Development Finance Corporation loan program.

### **INSURANCE AND COVERAGE RELATED NEWS AND ORDERS/LEGISLATION:**

Below we provide an update as to regulations, news, and litigation specifically related to insurance and potential coverage

- The National Association of Insurance Commissioners has issued a [Business Interruption COVID-19 Data Call Letter](#) to property and casualty insurers indicating that state insurance regulators in 50 states, the District of Columbia, and the U.S. territories “have agreed to participate in a data call to collect data related to business interruption insurance and COVID-19.”
  - Insurers are “requested to complete both parts of the COVID-19 business interruption data call” and to submit a “Premiums Data Template” by May 22, and a “Claims Data Template” by June 15, with mid-monthly update filings thereafter.

### **BUSINESS AND COMMERCE NEWS AND LEGISLATION RELATED TO COVID-19:**

Below we discuss news regarding the economic impact of COVID-19 and measures being taken to address that.

- As of Monday, May 25, 2020, Massachusetts initiated its reopening using a four-phase approach, based on public health guidance. For sector specific protocols and best practices, see [industry specific guidance](#).

- New York has established a metrics system outlining the requirements to begin phase one of the state's regional phased reopening plan. NYS on PAUSE will continue through May 28, 2020 for regions that have not started reopening.
- The \$100M [New York Forward Loan Fund](#) will provide loans to small businesses, focusing on minority and women owned small businesses, that did not receive federal COVID-19 assistance.
- The Department of Labor released the weekly unemployment report showing that 2.4 million Americans applied for initial unemployment benefits last week, bringing the nine-week total to 38.6 million.
- The CDC issued a new detailed [report](#) on its activities and initiatives that support the transition to reopening.
- The Occupational Safety and Health Administration (OSHA) announced that it was revising two enforcement policies regarding COVID-19. First, OSHA updated its [interim enforcement response plan](#) for COVID-19 to increase in-person inspections at all types of workplaces. Second, OSHA updated its [enforcement guidance](#) requiring employers to record work-related coronavirus cases.
- The SBA updated its total loan statistics, noting that it has approved 4.4 million loans, totaling \$512 billion in loans through 5,506 participating lenders.

### **LITIGATION/CIVIL JUSTICE SYSTEM UPDATES AND ORDERS:**

Below we highlight additional judicial orders related to the COVID-19 pandemic.

- On May 26, 2020, the Supreme Judicial Court of Massachusetts issued an order effective June 1, 2020, wherein all the courts of the Commonwealth will continue to be open to conduct emergency and non-emergency business, in both civil and criminal cases, but court buildings will remain physically closed to the general public. Additionally:
  - All court business will be conducted virtually (by telephone, videoconference, email, or comparable means, or through the electronic filing system) until at least July 1, 2020. Exceptions will continue to be made for emergency matters that cannot be addressed virtually.
  - Jury trials in both criminal and civil cases in state courts are postponed to a date no earlier than September 8, 2020.
  - The new order also ends the tolling of civil statutes of limitations on June 30, 2020. The tolling of criminal statutes of limitation will end on September 1, 2020. The tolling of other deadlines generally will end on July 1, 2020.

- The Supreme Judicial Court of Massachusetts also issued an order that authorizes the taking of remote depositions in civil cases without agreement of the parties or court approval.
- The Supreme Court of New Hampshire has issued Renewed and Amended Emergency Orders to protect the staff and the public. Access to courthouses and clerks' offices has been restricted until at least June 15, 2020. Only those who are seeking emergency relief, scheduled to attend a hearing, or a member of the press will be permitted access.
- The State of Connecticut Judicial Branch states, pursuant to Governor Ned Lamont's Executive Order No. 7BB, no person is permitted to enter a Judicial Branch courthouse or facility without covering his/her mouth and nose with a mask or cloth face-covering. Additionally, all jury service is suspended until further notice.