

Charity (00:00):

Welcome back to INsight. I'm here with Dave Farnbauch from Sweeney Law Firm. We're going to talk today about potential legal liability from COVID related hospitalizations and injuries and deaths. Let's talk about, are we seeing a wave of personal injury cases because of this? Do they have a case?

David Farnbauch (00:19):

Well the reality of that the question Charity is we haven't had a large wave of personal injury lawsuits against businesses or employers because people have come down with COVID related injuries and deaths. We just haven't seen that. And the reason for that is pretty simple in the law, you have to pinpoint what caused you to develop a virus like COVID. And that can be very problematic. But the cornerstone of any kind of tort law, any law in the United States to hold somebody responsible for causing injuries or death is 'Did the entity, or the person that you're suing, were there actions reasonable?' And what we're seeing nationwide is most businesses, most companies, most people that are having to deal with COVID and plan for it, they are implementing reasonable measures to protect people. So if you implement reasonable measures to protect people, that's really all you can do. I mean, this is unprecedented and it's really unrealistic to hold people legally responsible for what happens in a pandemic. If they're taking reasonable measures to protect people.

Charity (01:56):

Is there going to be any federal legislation that provides immunity to healthcare providers or businesses from COVID related personal injury claims?

David Farnbauch (02:06):

I would say Charity at this point, it's hard to predict. There's definitely been legislation that's been proposed both at the federal level, immunity bills; the Chamber of Commerce is pushing an immunity bill to protect employers and healthcare providers from any sort of legal liability related to COVID. There's been 10 States so far that have enacted some form of an immunity bill, mostly to protect health care providers from any liability. Most of those bills codified what I just said, which is if you take reasonable measures follow guidelines that are implemented by the CDC or state health department in your state, then there is no legal liability. There's only legal liability if a company or some entity or person acts with gross negligence in the law. If they have some extreme degree of negligence, then they can be held liable. So once again, you just don't see those kinds of cases very often. So the answer to that question is a lot of States have enacted immunity bills, but I don't really think they moved the dial one way or another on preventing a stem of lawsuits.

Charity (03:33):

Not really going to matter. Well, if you have other cases, medical malpractice, or you believe you may, all you have to do is call Sweeney Law Firm and check with them. They'd be glad to talk to you about it. 420-3137 or check them out online. We'll be right back.