

COVID-19 Litigation Update

An early example of potential COVID business liability issues has appeared on the Nevada docket. Employees' unions have alleged in a Las Vegas complaint for injunctive relief that casino employers: (1) failed to require guests to wear masks (when no mandatory Nevada requirement for guests to wear masks was in place) "...despite the overwhelming evidence of the importance of mandating facial coverings by guests in public areas of casinos and hotels..."; and (2) after positive employee COVID tests, failed to immediately close down and clean the employee's work areas, failed to immediately warn all potentially affected employees that one of their co-workers had tested positive, and failed to initiate contact tracing to identify which employees may have needed to be quarantined.

A link to the complaint is here: [Complaint](#).

COVID Business Immunity Legislation May Not Cover Failure to Comply With Regulations, Gross Negligence and Willful Misconduct.

States have been adopting laws that grant businesses immunity from COVID-19 civil liability claims (NC, OK, UT, WY, LA), with many proposed and pending, however NOTE that the legislation adopted generally excepts claims arising from failure to comply with regulations, gross negligence and willful misconduct. In Pennsylvania multiple alternative forms of such immunity legislation have been introduced in the PA Senate and House.