



Lawsuit Reform Alliance of New York

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OPPOSE

BILL NUMBER:

S.128(Liu)/ A.390 (Braunstein)

SUBJECT:

Void COVID-19 Liability Agreements

DATE:

January 5, 2021

CONTACT:

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Summary:

This legislation would render any liability agreements in relation to COVID-19 void and unenforceable.

Why we support this legislation:

Leaves Businesses Completely Unprotected

- While the legislature and governor passed protections for doctors, hospitals, and medical professionals, no such protections have been provided to businesses. Dozens of business and hospitality groups have asked for protections provided they follow federal, state, and local guidelines¹, but currently they have no safeguards against COVID-19 lawsuits. Without protections, businesses need waivers or other agreements.

Will Hinder Economic Recovery from COVID-19

- Hundreds of COVID-19 lawsuits have already been filed and far more will likely be filed should this legislation pass.² Because there is very little precedent or case law for COVID-19 lawsuits, many cases will advance and lawyers will use those the courts to test legal theories in jurisdictions across the state. These speculative lawsuits will cost large and small businesses millions to defend, even if they ultimately prevail.

1. <https://lrany.org/wp-content/uploads/2020/04/COVID-Reopening-Liability-Protections.pdf>

2. https://www.washingtonpost.com/world/national-security/771-lawsuits--and-counting-wave-of-virus-litigation-hits-businesses-across-the-us/2020/05/01/6f7c015c-89c3-11ea-9dfd-990f9dcc71fc_story.html

The Lawsuit Reform Alliance of New York is a not-for-profit association of businesses, healthcare professionals, membership organizations, and concerned citizens dedicated to reform of the legal system in order to foster a better business climate, promote job growth and address the growing cost of lawsuit abuse.