



## COVID-19 Response Team

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Conroy Simberg's COVID-19 Response Team is here to help you navigate through all of your liability and workers' compensation claims throughout the state of Florida and Georgia. Since our inception, Conroy Simberg has had response teams in place to assist our clients during times of crisis. Whether it be hurricanes or other global emergencies, our team has been ready to and able to assist our clients in all of their legal needs.

Our experienced attorneys have already defended COVID-19 related cases and continue to stay abreast of the ever-evolving legal landscape during this pandemic. As novel legal issues continue to emerge, our COVID-19 Response Team continues to stay on top of these trends in order to provide you with up-to-date legal guidance and opinions. All of our attorneys are available via email and cellphone at your convenience. Our cellphone numbers are on our website. As always, we are able to continue to provide the high-quality uninterrupted service our clients expect and deserve.

In furtherance of these goals, we have procedures in place to ensure seamless communication regardless of where our employees are physically located. Our firm-wide computer system and paperless environment renders us ready, willing and able to continue to provide you with the same quality of service we have always provided and we are available to meet your needs.

In addition, we have and will continue to host webinars related to COVID-19 and its effect on the insurance industry in Florida and Georgia.

### General Inquiries:

<b><a href="#">Bruce F. Simberg</a></b> Direct Dial: (954) 518-1250 Cell Phone: (954) 907-7500 <a href="mailto:bsimberg@conroysimberg.com">bsimberg@conroysimberg.com</a>	<b>Scott D. Krevans</b> Direct Dial: (954) 518-1258 Cell Phone: (954) 993-3650 <a href="mailto:skrevans@conroysimberg.com">skrevans@conroysimberg.com</a>
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### Nursing Home and Healthcare Defense:

COVID-19 is expected to cause a new wave of claims and lawsuits against those providing front line care, including physicians, hospitals, nursing homes, assisted living facilities, and home health care agencies. Conroy Simberg's litigation team has the experience and resources to defend against these claims.

Even though no health care provider could have specifically imagined or anticipated COVID-19, there will still be lawsuits alleging negligence in handling the response to the virus. For example, Plaintiffs' lawyers will argue that providers and facilities should have had emergency procedures in place to address any contagious disease, including COVID-19. They will make the case that people died from COVID-19 because health care providers failed to isolate infected patients, did not test care providers, failed to clean and disinfect surfaces and equipment, and otherwise negligently failed to prevent patients from contracting the virus. There will also be claims alleging that providers used the pandemic as an excuse to avoid providing continuity of care, thereby failing to diagnose diseases like cancer, or allowing known medical conditions to worsen.

The litigation team at Conroy Simberg is prepared to defend health care providers when COVID-19 claims are inevitably brought. The firm has a long history of successfully defending medical malpractice claims, as well as claims against long term care providers. Many of the usual defenses to traditional claims will be available to health care providers facing COVID-19 claims, such as causation. In addition, the federal government and many state governments have afforded health care providers some degree of liability immunity for those responding to the COVID-19 public health emergency. Conroy Simberg's team of litigators stands ready to use all available tools to protect and defend our front line health care providers when they are subject to COVID-19 claims and lawsuits.

<b>Jonathan C. Abel</b> Direct Dial: (954) 518-1202 Cell Phone: (954) 478-7677 <a href="mailto:jabel@conroysimberg.com">jabel@conroysimberg.com</a>
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### General Liability and Insurance Defense:

COVID-19 will undoubtedly trigger a new and uncharted wave of litigation in the general and premises liability areas. Conroy Simberg's litigators have the experience and resources necessary to assist you in evaluating and defending these claims.

We anticipate that the Plaintiff's bar will attempt to argue that properties and establishments failed to anticipate and put procedures in place to safeguard invitees from contagious diseases, including COVID-19. In addition, we foresee that, in an attempt to establish liability for this novel pandemic, they may assert that property and business owners failed to follow CDC guidelines in maintaining their properties and/or in operating their businesses.

The Conroy Simberg team is ready to defend property and business owners from COVID-19 claims. In addition to standard tort defenses, our litigation team is focused on several key areas of defense to COVID-19 claims, including: (1) whether there is a duty on the part of the property/business owner to protect invitees against a pandemic, especially where, as here, the government and scientist's guidance is unclear and at times, inconsistent; (2) whether the Plaintiff will be able to demonstrate how and where the Plaintiff may have contracted the virus and (3) whether the Plaintiff's expert(s) can withstand Daubert scrutiny. Conroy Simberg's litigation team stands ready to use all available tools to protect and defend you against COVID-19 claims and lawsuits.

<b>Michael Kraft</b> Direct Dial: (813) 209-2798 Cell Phone: (813) 317-5500 mkraft@conroysimberg.com	<b>Hinda Klein</b> Direct Dial: (954) 518-1248 Cell Phone: (954) 303-1907 hklein@conroysimberg.com
<b>Miles A. McGrane, IV</b> Direct Dial: (954) 518-1392 Cell Phone: (305) 213-3351 mmcgrane@conroysimberg.com	<b>Michael J. Bonfanti</b> Direct Dial: (850) 383-9103 Cell Phone: (850) 508-8171 mbonfanti@conroysimberg.com

## Property and Liability Coverage:

<b>Robert S. Horwitz</b> Direct Dial: (561) 478-6047 Cell Phone: (561) 789-2500 rhorwitz@conroysimberg.com
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## Workers' Compensation Defense:

<b>Esther Zapata Ruderman</b> Direct Dial: (561) 478-6006 Cell Phone: (561) 310-5125 eruderman@conroysimberg.com
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## Additional Practice Areas:

- Insurance (Coverage B)
- Restaurant and Premises Liability Defense
- Insurance Coverage
- Business Interruption Insurance
- Directors and Officers Coverage

## Litigation and Court Orders of Interest:

- Order Denying Transfer And Directing Issuance Of Show Cause Orders Published by United States Judicial Panel On Multidistrict Litigation.
- ADMINISTRATIVE ORDER (No. AOSC20-32 Amendment 2): COVID-19 Public Health and Safety Precautions For Operational Phase Transitions
- Update: "Chief Justice Canady Amends Orders To Address Phase 3 Of The State Courts' Pandemic Operations," Published by The Florida Bar
- Update: Judge Bailey 11<sup>th</sup> Judicial Circuit (Miami-Dade County)
- ADMINISTRATIVE ORDER NO. 2020-13a.01 (amends 2020-13.01) Re: Order Suspending Civil Jury Trials Through December 31, 2020
- "Comprehensive COVID-19 Emergency Measures For The Florida State Courts," Published by the Florida Supreme Court

- "Chief Justices issues emergency order extending suspension of jury trials through July 17 & amending other pandemic jury procedures," Published by the Florida Supreme Court.
- Florida's Chief Justice issues New Pandemic Orders
- The Florida Supreme Court has issued "Best Practices" for Court guidance.
- Dianioia's Eatery v. Motorists Mutual Insurance - Remand to State Court
- The Florida Supreme Court has issued a series of Administrative Orders outlining guidelines within the state court system as it confronts COVID-19, which currently suspend all jury trials in Florida's Court System through May 29, 2020.
- For more information about each Florida County, please visit the Florida Court Clerks and Comptrollers website.
- Visit the Florida Courts website to find up-to-date information regarding Courts in each County.
- The Florida Association of Counties website contains important Emergency Orders, statistics and up to the minute guidelines regarding COVID-19 for each County in Florida.

### **Additional Resources and Articles:**

- 'Can you hear me?' America's first trial-by-Zoom comes to Duval County, Published by Florida Times-Union
- Miami-Dade is Conducting its First Jury Trial Online (July 9, 2020)
- "9th Judicial Circuit courts return to phase 1 of operations after COVID-19 cases spike," Published by Click Orlando
- "Miami-Dade Courts Quickly Backtrack on Easing COVID-19 Rules," Published by the *Daily Business Review*.
- COVID-19 General Liability Concerns as Florida Enters Phase 2
- "Five trial-court circuits chosen for "virtual" civil jury trial pilot program due to pandemic," Published by The Florida Supreme Court.
- "Canady: Resumption of Jury Trials Likely To Be Limited and Regional." Published by: *The Florida Bar News*
- Visit the Florida Office of Insurance Regulation for updates.

### **Florida State Agencies with COVID-19 Related News:**

- Department of Health
- Agency for Health Care Administration
- Department of Agriculture and Consumer Services
- Department of Business and Professional Regulation
- Department of Economic Opportunity
- Department of Highway Safety and Motor Vehicles
- Department of Transportation
- Division of Emergency Management