

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.

- The House passed a one-week funding extension (HR 8900) to give lawmakers more time to finalize a fiscal 2021 spending package and coronavirus relief, the measure now goes to the Senate.
- Health and Human Services Secretary Alex Azar said on December 9, 2020, that he met with President-elect Joe Biden's [transition](#) team and that he wants to ensure a smooth and professional transition process.
- On Wednesday, Canada's government [authorized](#) the Pfizer coronavirus vaccine, Pfizer and BioNTech said they would supply Canada with a minimum of 20 million doses, and up to 76 million, through 2021.
- On Tuesday, President-elect [Joe Biden](#) said his administration in its first hundred days would aim to have 100 million people vaccinated against COVID-19, require masks in federal buildings and on planes, trains, and buses for interstate travel, and work to return to in-person schooling.
- The Food and Drug Administration [confirmed](#) that the Pfizer coronavirus vaccine is effective and safe. A panel of FDA scientists posted their first analysis of the vaccine online.
- Effective Sunday, December 13, 2020, all communities in Massachusetts will return to Step 1 of Phase 3. This will reduce indoor capacities across a broad range of sectors of the economy and tighten several other workplace restrictions. The Administration announced the roll-back to respond to an increase in new COVID-19 infections and hospitalizations since the Thanksgiving holiday that is straining the health care system in Massachusetts.

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.

- Publicly traded U.S. property and casualty insurance companies had a median price-to-estimated 2021 earnings multiple of 12.4x as of Nov. 30, according to an analysis by S&P Global Market Intelligence.

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.

- In Massachusetts, effective December 13, 2020, all communities will roll back to Phase 3, Step 1 of Massachusetts' re-opening plan, including the following restrictions:
 - Outdoor gatherings at event venues will be limited to no more than 50 people;
 - Hosts of outdoor gatherings of greater than 25 people will be required to provide advance notice of the gathering their local board of health;
 - Indoor theaters and performance venues and higher contact indoor recreation businesses will be required to close to the public;
 - Outdoor theaters and performance venues will be limited to 25% capacity, and no more than 50 people
- In all communities, capacity will be reduced from 50% to 40% for the following sectors: Arcades/Indoor and Outdoor Recreational Businesses; Driving and Flight Schools; Gyms/Health Clubs; Libraries; Museums; Retail; Offices; Places of Worship; Lodging (common areas); Golf facilities; and Movie Theaters (Maximum 50 people per theater).
- Indoor dining will be suspended in New York City starting Monday, December 14, 2020 in an effort to curb the spread of [COVID-19](#), Governor Andrew Cuomo announced on Friday, December 11, 2020.

LITIGATION/CIVIL JUSTICE SYSTEM UPDATES AND ORDERS:

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

- The Massachusetts Trial Court Security Department Directive on Entering Courthouses During COVID-19 Pandemic. This Directive updates health safety protocols for members of the public who wish to enter or remain in a courthouse. These requirements apply to litigants, attorneys, witnesses, jurors, law enforcement personnel, vendors, contractors, media, all other members of the public, as well as non-court personnel whose workplace is in a courthouse whenever they are in the courthouse but outside of their immediate place of work: <https://www.mass.gov/directive/covid-19-pandemic-health-safety-protocols-for-members-of-the-public-entering-courthouses>

- The Massachusetts Trial Court issued a message on Court Operations Through January 8, 2021. In light of the major increase in COVID-19 infections in Massachusetts and experience with court staff testing and courthouse closures, the Trial Court will extend the reduction of in-person court operations begun on November 27 through January 8, 2021. Courthouses will remain open during this time, and Trial Court staff will be maximizing remote work and leveraging the technologies in place to conduct operations remotely.
 - The reduction of in person hearings has the potential to significantly limit presymptomatic individuals from entering courthouses, and reduces the potential of those individuals infecting others.
 - To the extent possible, matters already scheduled during this time will be held as virtual proceedings. Parties, attorneys and court users with questions about matters scheduled during this time should contact the appropriate clerk's, register's, or recorder's office.