

The
HOSPITALITY LAW
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COVID-19 Legal Concerns: What's Top of Mind For Hoteliers

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Jennifer Miller is an experienced litigator and trial lawyer. Ms. Miller has dedicated 20 years of her practice to civil litigation, defending major insurers and corporations in a wide variety of industries including retail, restaurants, product manufacturers, distributors and more.

Ms. Miller is AV rated® by Martindale Hubbell®, is recognized as Woman of the Year by the National Association of Professional Women, named as a Top Lawyer by the South Florida Legal Guide, and recognized as a “Super Lawyer” in Law and Politics.



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Ms. Smith concentrates her practice on defending complex personal injury, premises liability, toxic tort, and products liability matters in the retail, hospitality, and manufacturing industries. She also handles general commercial litigation matters.

She represents major hotel and resort chains, retailers, product manufacturers, Fortune 500 companies, insurers, cruise lines, and transportation companies, in state and federal courts throughout Florida and the United States Virgin Islands.



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Jason Bloom is a Partner in the Miami office who has extensive experience representing insurers throughout the United States.

He has been involved in many significant coverage matters in all phases including during the pendency of the underlying lawsuit, defense and prosecution of declaratory actions, summary dispositions, and appeals of cases involving policy interpretation, coverage disputes, claims involving bad faith and/or extra-contractual exposure, as well as Uninsured and Underinsured motorists.

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The Current State of Affairs

- Re-Openings
- Vaccines Available
- New Guidelines
- Potential Lawsuits



The Law

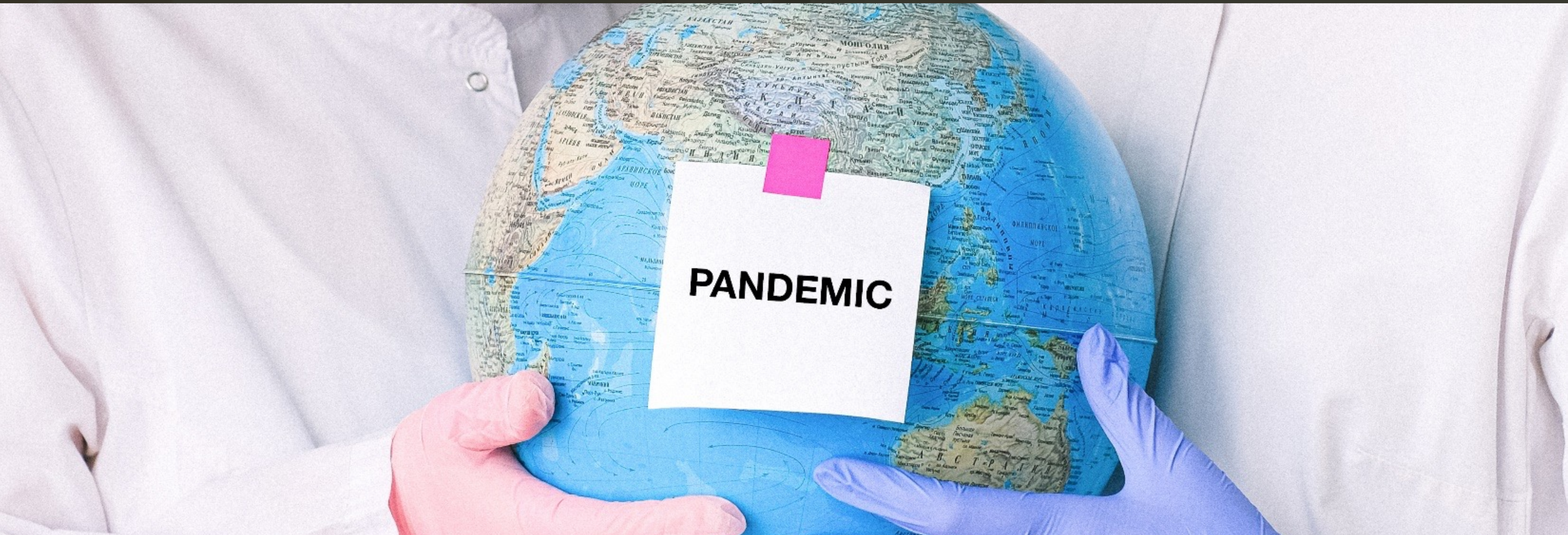


Standard of Care

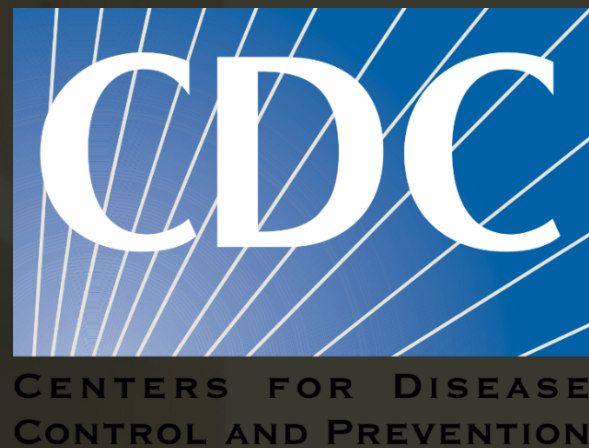
WHAT IS REASONABLE?

- Case Law from Norovirus
- Standard of Care
- Causation

What is Reasonable Under the Circumstances



Sources of Reasonableness



World Health
Organization

Hotel Industry

COVID-19 PRECAUTIONS



- Temperature Checks Dash (Touch-free)
- Medical Questionnaires
- Enhanced Cleaning
- Social Distancing
- Masks
- Touchless Contacts
- Wipes
- Plastic Barriers
- Plastic Plates And Cups
- No Self-Serve
- Sanitizing Stations At Doors
- Reduced Capacity (Buses, etc.)
- Certification From Third Party Experts



Warnings



Guidance

- Develop an Infectious Disease Preparedness and Response Plan to Show to the Industry
- Implement Prevention Measures
- Develop Policies and Procedures to Show that Your Employees are Safe

Does the Hotelier Have a Duty to Warn?

- Vendors
- Guests
- Other 3rd-Parties
- Waivers



Duty to Protect from Spreading to Customers?

- Identify
- Isolate
- Quarantine
- Disinfect
- Offer Quick Testing



How Does a Hotelier Reduce Risk While Reopening?

- Compliance with:
 - CDC/Federal Laws
 - State and Local Requirements
 - Internal/Industry Guidelines
- Reliance on/Consultation with Medical experts/
- Government Officials Regarding Decisions



Duty to Protect Employees?

- Reasonable Care for Health and Safety of Employees
- Risk Assessment
 - Reliance on Government Guidelines
- Causation Still a Factor
 - Other Potential Sources of Infection-defense
- Comparative Fault



What Are the Risks of Testing Employees?

- Employees Who Show Symptoms
- Employees Who Have Been Exposed to Virus
- Testing All Employees Each Shift
- Testing Previously Positive Employees Before Returning to Work
- Testing to Find Hot Spots at Work



Contractual Considerations

- Who are the responsible entities?
- Insurance Coverage and Defense/Indemnity
- Accounts Receivable and Accounts Payable
- Rising Prices

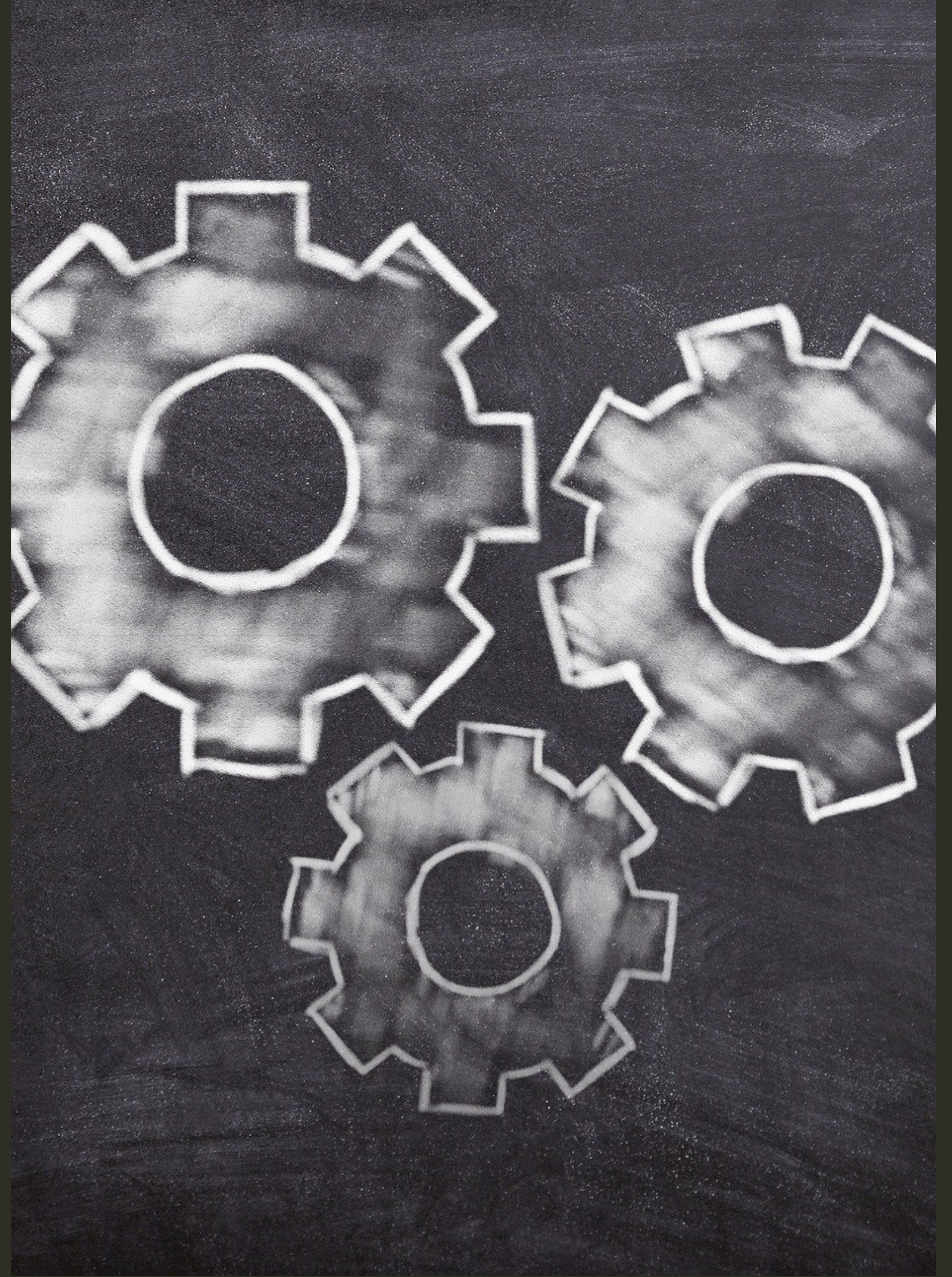
Summary

BEST DEFENSES:

- Follow Guidelines
- Use Reasonable Care
- Use Warnings
- Use Waivers
- Use Testing

REMEMBER:

- Causation is Going to be Difficult to Prove
- Comparative Fault Applies in Most Cases
- Must Prove Physical Harm and Causation



Questions?



Do not hesitate to ask any questions you may have.



WE APPRECIATE YOUR TIME
AND ATTENTION!



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Thank you!