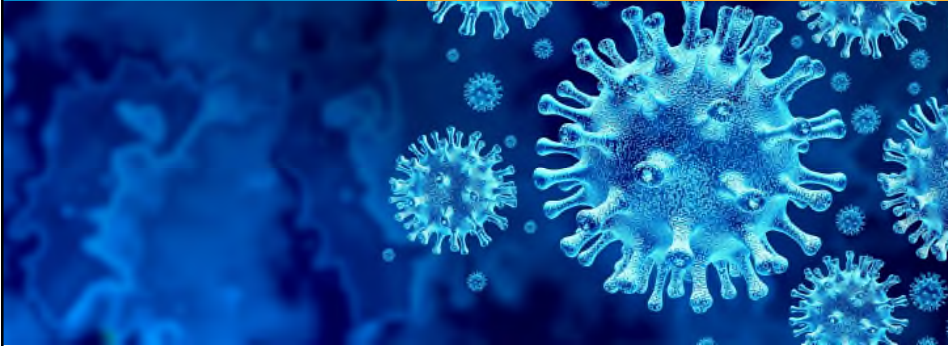


Bond

Coronavirus:
Update and Discussion on Legal
and Practical Issues
March 24, 2020



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& KING ATTORNEYS

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Introduction



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Imposition of Restrictions in Hospitals and Long Term Care Facilities



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The Latest Out of Governor Cuomo's Office



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Executive Orders in the Past Week

- EO 202.5: March 18 (relaxing certain health care laws; closes amusement parks/bowling alleys)
- EO 202.6: March 18 (essential business mandate; 50%)
- EO 202.7: March 19 (business reduction to 25%; closes hair salons)
- EO 202.8: March 20 (business reduction to 0%)
- EO 202.9: March 21 (mortgage forbearance for hardship)
- More????



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Essential Business Designation

- Empire State Development Corporation Guidance: <https://esd.ny.gov/guidance-executive-order-2026>
- Application link: <https://esd.ny.gov/content/request-designation-essential-business-purposes-executive-order-2026>
- FAQs: https://esd.ny.gov/sites/default/files/ESD_EssentialEmployerFAQ_032220.pdf



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Essential Business Designation: Important Information

- Non-essential businesses with an essential service may have those essential services continue (e.g., museum may have security).



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Essential Business Designation: Important Information

- Supply chain: if providing support/product for an essential business that is required for that business' operation, then that aspect of your business is exempt from the EO requirements.



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Essential Business Designation: Important Information

- What about the mail?
 - A single person attending a non-essential closed business temporarily to perform a specific task is permitted so long as they will not be in contact with other people.



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EO 202.8: 0% Reduction

- Penalties and enforcement: Section 12 of the Public Health Law
 - "Violation" = \$2,000; subsequent violations lead to increase; misdemeanor
- Attorney General Enforcement
 - Employees may report suspected violations of EO 202.8



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Matilda's "Law"

- No actual text – no executive order, no bill from the Legislature
- Currently is just a press release from the Governor's office



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Today's Updates:



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How COVID-19 has Impacted Pending Litigation and Curtailed Court Operations



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Litigation in New York in the Time of COVID-19

- **NY State Court** = system-wide orders effectively shutting down the State Courts except for a very limited number of “essential matters”. Many deadlines have been tolled; court trials and proceedings adjourned or cancelled.
 - Local judicial districts and counties may provide additional adjournments or continuances.
- **NY Federal Court** = non-uniform orders with adjournments and alternate procedures dependant on the specific Federal court and/or individual judge.
 - Many in-person proceedings have been moved to electronic communication and virtual filings
 - **Many important deadlines have not been adjourned.**
- **BEST PRACTICE: Discuss the status of your specific litigation claims and matters with your litigation attorney to determine case status.**



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Litigation in New York in the Time of COVID-19

- **New York State Administrative Proceedings =**
 - Executive Order 202.8 postpones scheduled hearings and tolls the filing and commencement of administrative hearings until April 19, 2020.
 - The Office of Administrative Hearings is currently closed.
 - Any proceedings currently still able to proceed now likely to be conducted via remote or virtual means.
-
- **BEST PRACTICE: Discuss the status of your specific Administrative claims and matters with your specific attorney to determine status and the impact of recent Executive and administrative orders.**
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Emergency Aid Measures



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Economic Response Measures

- U.S. Small Business Administration (SBA)
Economic Injury Disaster Loans
 - Low-interest working capital loans available to small businesses and most non-profits in all of New York resulting from substantial economic hardship due to the coronavirus
- Local Government Aid
 - Programs in NYC; Onondaga County; City of Syracuse; City of Auburn; Erie County; Chautauqua County; Capital Region; City of Oswego
- Additional Federal Relief Being Debated
 - Stay tuned



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Emergency Aid Measures



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Questions?

