

CALIFORNIA LEGISLATURE

STATE CAPITOL
SACRAMENTO, CALIFORNIA
95814

May 13, 2020

The Honorable Gavin Newsom
Governor, State of California
California State Capitol
Sacramento, CA 95814

Letter from 13 Members of the Central Valley Delegation Regarding Legal Protections for Businesses and Employees During the Pandemic

Dear Governor Newsom:

The Department of Finance forecasts an extraordinary budget deficit for the State of California. This projected deficit, along with high unemployment, rising health care costs and other pandemic related stressors, compel us to initiate safeguards against further economic damage. One vital step toward California's economic recovery is the establishment of legal protections for businesses and employees against foreseeable C-19 transmission lawsuits initiated by third parties.

California recognized the need for protection from civil liability during times of crisis with the Emergency Services Act (Cal. Gov't. Code §§8550 *et. seq.*). The immunity for discretionary functions granted to state and other political subdivisions under this act should be extended to private entities and employees in all industry sectors. This immunity should be expanded to protect businesses and employees from third-party private rights of action and class actions for the duration of the declared state of emergency; while not otherwise exempting businesses from ensuring the health and safety of their employees as provided by local health departments. Without such protections, California would allow for chilling legal exposure that would ultimately impede the prospects of California's economic recovery.

We, therefore, respectfully request executive action to enhance Article 17 of the Emergency Services Act to include the following:

- Businesses, including their employees, shall be immune from civil liability associated with third-party claims that persons contracted the Covid-19 virus while at, or through, a place of business;
- The limited immunity shall be conditioned on such businesses implementing and abiding by the official health regulations and protocols of the State of California or respective county plans approved by the State;
- The limited immunity shall extend to all services, goods, labor and equipment provided by a private business, nonprofit organization or state designated essential entity; and
- The limited immunity should maintain for the duration of the declared state of emergency, and should any portion of the immunity expansion require legislative action that you work in conjunction with the Legislature to help advance urgency legislation.

We join the Civil Justice Association of California, their member organizations, and other entities across the state in seeking legal relief to address these concerns. During these unprecedented times, it is imperative businesses of all sizes continue to employ and operate. These clarifications and protections will provide a level of certainty businesses desperately need to reopen without the cloud of litigation looming overhead.

On behalf of the Central Valley Delegation, we look forward to your response and working with you on the economic recovery of California. Please feel free to reach out to Senator Borgeas at (916) 651-4008.



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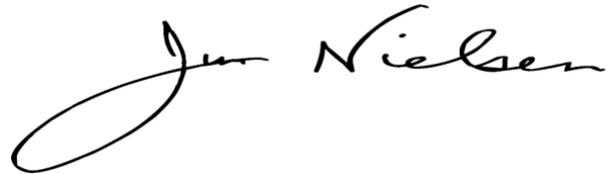
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