

## COVID-19 Updates

As we continue to monitor COVID-19, White and Williams lawyers are working collaboratively to stay current on developments and counsel clients through the various legal and business issues that may arise across a variety of sectors.

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### Education

How Can Colleges and Universities "Stay" Open: Lessons from the Pandemic (Webinar)  
September 9, 2020 | Presented By: James P. Anelli, Nancy Conrad and George C. Morrison

COVID-19: Mitigating Risk and Liability for a Fall Reopening (Virtual Workshop)  
August 5, 2020 | Presented by: Nancy Conrad

University Students Seek Refund of Tuition Fees and Other Costs  
April 13, 2020 | By: Nancy Conrad

### Employee Benefits

Winter COVID-19 Relief Bill: Overview of Key Provisions  
December 23, 2020

COVID-19 and Its Effect on Unemployment Benefits  
May 14, 2020 | By: James P. Anelli and Robert M. Pettigrew

### Finance and Lending

Good News for the Restaurant Industry – and Perhaps Their Landlords and Lenders  
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States Clarify Personal Income Tax Treatment Related To PPP Loan Forgiveness  
January 29, 2021 | By: John J. Eagan and L. Stephen Bowers

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IRS Issues Guidance on PPP Loans and the Employee Retention Credit in M&A Transactions  
November 19, 2020 | By: John J. Eagan, Ryan J. Udell and L. Stephen Bowers

It's a Bird, It's a Plane, It's...the SBA? SBA Issues Guidance on Change of Ownership Transactions Involving PPP Loans  
November 19, 2020 | By: Ryan J. Udell and Adam J. Chelminiak

You Have Questions...SBA Releases PPP Loan Forgiveness FAQs  
August 19, 2020 | By: Ryan J. Udell and Adam J. Chelminiak

Evolving Trends in Valuation and Transaction Implications for Private Equity Firms in Today's COVID-19 Impacted World  
ACG New York Webinar | Presented By: Lori S. Smith

Are We There Yet? - Part Deux  
July 9, 2020 | By: Ryan J. Udell and Adam J. Chelminiak

Are We There Yet? SBA Issues Revised Guidance to Harmonize PPP with Flexibility Act Changes  
June 23, 2020 | By: Ryan J. Udell and Adam J. Chelminiak

Cannabis Reform Introduced as a Response to the COVID-19 Crisis  
June 18, 2020 | By: Christopher Wisniewski and Ryan J. Udell

The Main Street Business Lending Program - Opening of Lender Registration and Proposed Expansion to Nonprofit Loans  
June 17, 2020 | By: Jennifer R. Santangelo, Ryan J. Udell, Maulin S. Vidwans, Adam J. Chelminiak and Patrick A. Haggerty

The Main Street Business Lending Program - Expanded Terms  
June 11, 2020 | By: Jennifer R. Santangelo, Ryan J. Udell, Maulin S. Vidwans, Adam J. Chelminiak and Patrick A. Haggerty

If You Don't Like the PPP Now, Wait a Few Minutes...Major Changes to PPP Loan Program as Congress Passes Payroll Protection Program Flexibility Act  
June 5, 2020 | By: Ryan J. Udell and Adam J. Chelminiak

The Main Street Business Lending Program - Forms and Agreements  
June 4, 2020 | By: Jennifer R. Santangelo, Ryan J. Udell, Maulin S. Vidwans, Adam J. Chelminiak and Patrick A. Haggerty

The Main Street Business Lending Program - Update to Frequently Asked Questions  
June 2, 2020 | By: Jennifer R. Santangelo, Ryan J. Udell, Maulin S. Vidwans, Adam J. Chelminiak and Patrick A. Haggerty

Forgive or Regret?: SBA and Treasury Release Long-Awaited PPP Loan Forgiveness Final Interim Rules  
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What's the Standard for "Commercially Reasonable" in a Commercially Unreasonable World (Health Crisis)? Part II  
May 19, 2020 | By: Timothy E. Davis, Steven Coury and Kristen Andreoli

"Forgive Me SBA, For I Have Complied With the PPP": SBA Releases PPP Loan Forgiveness Application  
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Get Answers to Your SBA Loan Questions  
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Making It Up As We Go Along?: Real-Time Changes to Paycheck Protection Program Continue with Release of Additional Rules  
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The Main Street Lending Program - Frequently Asked Questions  
May 4, 2020 | By: Jennifer R. Santangelo, Ryan J. Udell, Maulin S. Vidwans, Adam J. Chelminiak and Patrick A. Haggerty

Private Equity and Other Businesses Need Not Apply: SBA Issues Fourth Paycheck Protection Program Interim Final Rule  
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Lenders Win in Eligibility Battle - Heightened PPP Eligibility Policies Allowed  
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Loan Modifications Due to COVID-19 Pandemic: FDIC Answers CARES Act FAQs  
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Importance of Reviewing Existing Financing Agreements During COVID-19 Crisis  
March 23, 2020 | By: Jennifer Santangelo, Maulin Vidwans and Andrew Marrinucci

## **Financial Restructuring and Bankruptcy**

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Mezzanine Loan Defaults, UCC Foreclosures and Recent New York Court Decisions  
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Recipe for Survival: What Restaurants Should "Takeaway" From Recent Retail Bankruptcies

May 6, 2020 | By: Amy E. Vulpio and James C. Vandermark

Looming Hotel Bankruptcies Impact Loan Workouts

April 24, 2020 | By: Thomas Pinney, Heidi Sorvino and James Vandermark

Second Circuit Decision Addresses New York Usury Laws and Post-Default Mortgage Loan Obligations

April 17, 2020 | By: Kristen E. Andreoli, C. Jason Kim and Timothy E. Davis

New Subchapter V May be the Bankruptcy Lifeline Small Businesses Need to Survive COVID-19

Updated April 15, 2020 | By: Amy E. Vulpio

Commercial Lease Workouts During the COVID-19 Pandemic

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Distressed Debt and Workout Agreements During the COVID-19 Pandemic

March 27, 2020 | By: Nancy Sabol Frantz, Steven Ostrow and Andrew Marrinucci

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Protecting Access to Post-COVID-19 Telehealth Act Reintroduced to Congress

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COVID-19 Vaccine: The Key to Reopening the Garden State & Recovering from the Pandemic

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PA Bill Offering Healthcare Providers COVID-19 Civil Immunity Vetoed

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HHS Purports to Expand Civil Immunities Related to COVID-19 Vaccine

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New PA Bill Offers COVID-19 Civil Immunity to Healthcare Providers

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PA Issues New Detailed, Comprehensive Guidelines for SNF Visitation and Activities  
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CMS 2021 Proposed Home Health Payment Rule May Make Certain Telehealth Changes Introduced During COVID-19 Pandemic Permanent  
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Telehealth and Medical Liability  
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Liability in the Telehealth Era  
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A National Registry of COVID-19 Patients: The Legal Implications  
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CMS Announces New COVID-19 Surveys and Enforcement  
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New Jersey Wants You to Return to Your Doctor's Office  
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COVID-19 Testing At Skilled Nursing Facilities: Guidance Based on PA DOH Advice  
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Governor Wolf Signs Executive Order Providing Limited Immunity to Healthcare Providers  
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COVID-19 CMS Blanket Waivers  
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Will Pennsylvania Join Other States and Provide Immunity for Healthcare Workers Treating COVID-19 Patients?  
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HHS Office of Civil Rights Reinforces Preclusion of Discriminatory Treatment Denials  
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CMS Suspends Standard Facility Surveys to Prioritize Immediate Jeopardy and Targeted Infection Surveys  
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Fighting COVID-19 Across State Lines: Relaxing Provider Licensure and Renewal Requirements  
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COVID-19 Pandemic Relief for Healthcare Providers Participating in Quality Reporting Programs  
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To Combat COVID-19, Delaware Opens Its Doors to Out-of-State and Retired Healthcare Providers (and Limits Their Liability)  
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## **Insurance**

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Court Holds That Insurance Producer Cannot Be Liable for Denial of COVID-19 Business Interruption Claim  
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No Global MDL for COVID Business Interruption Claims, but Panel Will Consider Separate Consolidated Proceedings for Lloyds, Cincinnati, Hartford, Society  
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MDL Panel Presented With Numerous Solutions for Handling Hundreds of Federal COVID-19 Coverage Actions  
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The Show Must Go On: Navigating Arbitration In The Wake Of The COVID-19 Outbreak  
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California Business Interruption COVID-19 Coverage Bill: A New Twist to Proposed State Legislation  
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Case of First Impression Rules No Coverage for COVID Business Interruption Claim Because No Direct Physical Loss  
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Decided Yesterday: Federal Court's Lesson For COVID-19 Business Interruption Insurance  
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Recent Decisions Raise Ceiling for Homeowners Seeking Coverage for COVID-19 Losses  
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Shuttered Businesses Seek National Consolidation of COVID-19 Business Interruption Claims  
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Pennsylvania Joins the Fray: Legislature Introduces Bill to Force Insurers to Pay for COVID-19-Related Business Interruption Losses  
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COVID-19 and Subrogation: The Coronavirus' Impact on Property Losses and Subrogation Claims  
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New York Joins Growing Collection of States Considering Laws to Force Insurers to Pay COVID-19 Business Interruption Losses  
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New DJ Takes Different Tack on Business Interruption Coverage for COVID-19  
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PA State Representative Requests a Resolution Urging Congress to Reimburse Insurers for COVID-19 Business Interruption Claim Payments  
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Massachusetts Joins the Fray, Introduces Bill Forcing Insurers to Pay for COVID-19-Related Business Interruption Losses  
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Ohio Follows NJ: Legislature Introduces Bill to Force Insurers to Pay for COVID-19-Related Business Interruption Losses  
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"Direct Physical Loss or Damage": The Gatekeeper to Property Insurance Coverage and COVID-19  
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Why the Disconnect Between Perception and Reality for COVID-19 Business Interruption Coverage  
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New Jersey's Proposed COVID-2019 Business Interruption Insurance Legislation Fails to Socially Distance Itself From Constitutional Prohibitions

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COVID-19: The Real Operation of New Jersey's Proposed Insurance Legislation  
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First Coronavirus Coverage Suit Filed For Business Interruption  
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ISO Excluded Coronavirus Coverage 15 Years Ago  
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New Jersey Legislature Considering Bill To Force Insurers To Pay COVID-19 Business Interruption Claims Expressly Excluded By ISO's "Virus" Exclusion  
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## **Intellectual Property**

USPTO Issues Third Notice Extending Certain Patent & Trademark Deadlines Due to COVID-19

May 1, 2020 | By: Frank A. Bruno, Randy M. Friedberg, Ilaria Maggioni and Katherine Todd

USPTO Issues Notice Waiving Certain Patent and Trademark Deadlines Due to COVID-19  
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## **Labor and Employment**

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Five Things Employers Must Know About Their Workplaces, the Raging Covid-19 Pandemic and OSHA's Emergency Rule Status  
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OSHA ETS Heads to Sixth Circuit  
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How Employers Should Prepare for the OSHA COVID-19 Vaccine/Testing Mandate  
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New Requirements for Most Employers for the New Year  
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EEOC Updates COVID-19 Religious Accommodation Guidance  
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Employers Beware: EEOC Files Pandemic Related Remote Work Lawsuit  
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More Guidance Yields More Questions  
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A "Key to NYC" Checklist for New York City Employers  
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Are Vaccine Mandates Becoming the "New Normal" For Employers?  
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Employer Vaccination Policies Will Continue to Gain Momentum as DOJ Offers New Guidance and Federal Employers Impose New  
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Managing Generation Z in the Workplace  
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How Should Employers React Once the FDA Grants Full Approval of COVID-19 Vaccines?  
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Five Steps Employers Should Take In the Second Year Of the COVID-19 Pandemic  
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OSHA Reinforces COVID Guidelines for the Workplace  
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Mandatory or Optional?: An Employers Guide to the COVID-19 Vaccine  
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2021 Brings Uncertainty to Vaccine Process  
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Employment Discrimination Claims Related to Vaccination Refusal – Disability  
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Employment Discrimination Claims Related to Vaccination Refusal – Religious Beliefs  
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Incoming Relief: The COVID-19 Vaccine Rollout  
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COVID-19 Update for New Jersey and Pennsylvania  
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New Jersey Employers Should Update Their Workplace COVID-19 Safety Protocols In Light of Recent Executive Order  
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Department of Labor Revises Families First Coronavirus Response Act Temporary Rule  
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5 Steps Employers Should Take to Gear Up For Back-to-School  
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PA Governor Orders Targeted Mitigation Measures, Including Telework Unless Not Possible  
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Philadelphia Enacts COVID-19 Whistleblower Protection Ordinance  
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Green Phase or Next Phase: Updated Guidance for Pennsylvania Employers and Employees Returning to the Workplace  
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PA's Potential for a Presumption of Work-Related COVID-19 Injuries  
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NJ Essential Employers Can Expect a Presumption For Work-Related COVID-19  
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Updated Guidance from the EEOC Regarding COVID-19 and the ADA, the Rehabilitation Act and Other EEO Laws  
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COVID-19 and Its Effect on Unemployment Benefits  
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Return to Work: Guidance for Workplace Reopening  
By: James P. Anelli, John K. Baker, Gwenn B. Barney, Richard M. Borden, L. Stephen Bowers, Scott H. Casher, Nancy Conrad, Laura H. Corvo, Robert G. Devine, R. Victoria Fuller, Joshua A. Mooney, George C. Morrison, Sandra L. Niemoćka, Joseph P. Paranac, Robert M. Pettigrew, Tanya A. Salgado, Debbie Rodman Sandler, Geoffrey F. Sasso, Jay Shapiro, Jeffrey S. Stewart and Robert Wright Department of Labor Guidance Could Have Major Impact  
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Worker Safety Measures Ordered in Pennsylvania and Other Jurisdictions  
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Enforcement Guidance for Recording Cases of COVID-19  
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OSHA Releases COVID-19 Guidance  
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Understanding New Paid Leave Rules In The Coronavirus Response Act  
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DOL Issues First Guidance on Families First Act  
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An Emergent Webinar: Navigating COVID-19's Impact - What Every Employer Must Know (Recording)  
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PA Work Injuries While Working Remotely  
March 20, 2020 | By: Sandy Niemojka and Karlynn Parzych

FAQ: What Every Employer Needs to Know About the Families First Coronavirus Response Act  
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The Families First Coronavirus Response Act: An Analysis  
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Coronavirus (COVID-19) in the Course and Scope of PA Employment  
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Coronavirus Panic Is Going Viral-Steps to Take to Protect Your Workplace  
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## Litigation

Open Court: Return of In-Person Jury Trials in Philadelphia and Resolving Cases During COVID-19 Fair Cross-Section Concerns Potentially Impacting Pandemic Jury Trials  
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Fair Cross-Section Concerns Potentially Impacting Pandemic Jury Trials  
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The Nation's First Binding Virtual Jury Trial is a Success, But Limitations Remain  
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Real Problems with Virtual Jury Trials: The Shallowing of Jury Pools  
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Remote Trials Can Control Prejudgment Risk  
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When Will We See a Resumption of Jury Trials in Philadelphia County?  
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Evaluating Alternative Avenues to Verdict in the COVID-19 Legal Atmosphere  
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Virtual Jury Trials: The Next Wave of Remote Legal Practice  
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M&A Risk Allocation: Drafting and Litigation Considerations in the Era of COVID-19  
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Workers' Compensation Act Exclusivity Likely Bars Most Employee COVID-19 Claims  
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COVID-19 Fallout: Enforceability of Restrictive Covenants Against Furloughed and Laid Off Employees  
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It Has Started: Supply-Chain, Warehouse and Retail Workers of Essential Businesses Are Filing Suit  
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*Conduent v. Skyview*: Closed Courts Challenge Party's Need for Urgent Relief  
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Supply-Chain Disruption - Before the Breach and How Best to Protect  
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Not Remotely Law As Usual: Don't Settle for Delays - Settle at Remote Mediation  
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Pennsylvania Courts Closed Through April 30, 2020: Litigating in the Current Statewide Emergency  
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Not Remotely Law as Usual: Remote Depositions – The Same But Different  
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The Remote Deposition – The Same But Different  
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Is a Violation of a COVID-19 Order the Basis For Civil Liability?  
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Social Distancing and the Impact on Service of Process Amid the COVID-19 Pandemic  
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Attempt to Enjoin Governor Wolf's Shutdown Order Denied by PA Supreme Court  
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CDC Issues Moratorium on Residential Evictions Through 2020  
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New York Court Temporarily Enjoins UCC Foreclosure Sale  
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Congress Introduces HOPE-ful Solution for Distressed CRE Borrowers  
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How COVID-19 Mezzanine Foreclosures May Fare In NY Courts

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Mezzanine Loan Defaults, UCC Foreclosures and Recent New York Court Decisions

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Debt Forbearance/Settlement Agreements: One of the Most Important and Often Overlooked Clauses

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Consider Short-Term Lease Workouts For Commercial Tenants

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What's the Standard for "Commercially Reasonable" in a Commercially Unreasonable World (Health Crisis)? Part II

May 19, 2020 | By: Timothy E. Davis, Steven Coury and Kristen Andreoli

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