

## Coronavirus Flash Update: Thursday, June 11, 2020

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**Note: The Flash update is on a new schedule and will be distributed twice per week, Mondays and Thursdays.**

### The Latest News

- **U.S. COVID-19 cases** exceed 1,990,548 and 111,333 U.S. deaths. (Source: CDC) (**Updated 6/11/20**)
- **U.S. stock market:** On Wednesday, the major U.S. benchmarks posted mixed results, with the Dow and S&P dropping 282 and 17 points, respectively, while the Nasdaq gained 66 points. (**New**)
- The Congressional Budget Office’s monthly budget review [reports](#) that the **U.S. federal deficit hit \$424 billion in May**. The report noted the significant impact of falling federal revenue (receipts totaled \$175 billion last month compared with \$232 billion in May 2019) and the cost of the emergency stimulus packages. (**New**)
  - While the timing of the next emergency relief package has slipped to possibly late July, the **President** noted in his jobs report [press briefing](#) last week that **he would ask Congress to enact another stimulus bill** and hoped it would include a payroll tax cut.
- HHS [announced](#) three new **Provider Relief Fund allotments** completing the initial \$100 billion authorized by the CARES Act, however the \$75 billion authorized by the Paycheck Program and Healthcare Enhancement Act remains. These most recent targeted allotments are: \$15 billion for **Medicaid providers**, \$10 billion for **safety net providers**, and a second round for **high impact**

providers (\$10 billion). Additional detail is provided in the HHS Provider Relief Fund section of this edition of the *Flash*. (6/9/20) (**New**)

## COVID-19 Federal & State Legislation

- **Bill 4.0:** The House and Senate have conducted a series of virtual hearings this week related to COVID-19, and one of the notable hearing exchanges occurred during a discussion on the Paycheck Protection Program between Senator Susan Collins and Treasury Secretary Steven Mnuchin. In the exchange (according to the Bloomberg News), Treasury Secretary Mnuchin said he would “very seriously” look at the possibility of **allowing some businesses to seek more PPP aid if Congress wished to consider.** (**New**)
- The focus on **liability protection** for employers remains a priority in both congressional bodies, and Senator John Cornyn has confirmed that Senate Republicans are drafting legislation to let employers choose which government COVID-19 safety guidelines to follow in order to be protected from lawsuits if their customers or employees contract the virus. This issue is expected to be a key area of contention in discussions between the Democrats and Republicans as the next stimulus bills begins to take shape. (**New**)
- Congressional questions about **pandemic election year voting** grow after the recent primary election in Georgia revealed the difficulties of social distancing voting. (**New**)
  - To learn more, see this A&B [Summary of the Paycheck Protection Flexibility Act](#). (6/5/20)
  - For the full details on the HEROES Act, H.R. 6800, which passed the House on May 15:
    - The text is available [here](#).
    - A [1-pager](#) and 71 page [section-by-section summary](#) are available here.
    - And an outline of the [state and local funding provisions](#) is here.
- **Bill 3.5: Paycheck Protection Program and Health Care Enhancement Act**, ([H.R. 266](#)) was enacted on April 24. Also available are a [section-by-section summary](#) and an [overview of the health care provisions](#).
  - A&B detailed summaries are below:
    - A&B [Summary](#) – 3.5 Small Business Provisions
    - A&B [Summary](#) – 3.5 Health Care Enhancement Provisions
- **Bill 3.0: Coronavirus Aid, Relief, and Economic Security (CARES) Act**, ([H.R. 748](#)) passed on March 27. A congressional section by section summary is available [here](#).
  - A&B detailed summaries are below:
    - A&B [Summary](#) – CARES Act Health Provisions
    - A&B [Overview](#) – CARES Act Health Care Grants and Reimbursement Changes
    - A&B [Overview](#) – CARES Act Key Health Care Appropriations
    - A&B [Summary and Analysis](#) – CARES Act PPP & Other Business Funding Sources (Updated 6/5/20)
    - A&B [Summary](#) – CARES Act Small Business Provisions
    - A&B [Summary](#) – CARES Act Educational Provisions and Appropriations
    - A&B [Summary](#) – CARES Act Individual and Business Tax Provisions
    - A&B [Summary](#) – CARES Act Unemployment Provisions
    - A&B [Summary](#) – CARES Act Labor Provisions

- A&B [Guide](#) – how the CARES Act refundable Employer Retention tax credit for employers works
- A&B [Hospital Provisions from all 4 bills tracker](#) (**Updated 6/10/20**)
- A&B [Provider Relief Fund Disbursements tracker](#) (**Updated 6/10/20**)
- A&B [Summary](#) of **oversight and enforcement** provisions in the CARES Act
- Congress has passed three coronavirus emergency response bills and the first two are below:
  - **Bill 1.0: Coronavirus Preparedness and Response Supplemental (CPPRS)** ([H.R. 6074](#)) passed on March 5
  - **Bill 2.0: Families First Coronavirus Response Act (FFCRA)** ([H.R. 6201](#)) passed on March 18

## Transition to “Reopening”

- **State/Other Actions**
  - For the latest information on state reopening decisions, see [A&B 50-State Openings tracker](#) - updated in each A&B Coronavirus Flash. (**Updated 6/9/20**)
  - As businesses in California reopen, A&B shares guidelines for reopening [in this article from The Recorder](#). (6/3/20) (**New**)
  - Read "[What's In Store: Summer 2020](#)" for a look at **COVID-19 challenges for retailers**, including the transition to reopening, cyber threats, and financial loss. (6/5/20)
- **Administration Actions**
  - The Department of Labor has released [guidance](#) on **wearing face masks in the workplace.** (6/10/20) (**New**)
  - FDA has [issued guidance](#) on the use of **hand sanitizers for consumers.** (6/10/20) (**New**)
  - CMS has released a [guide to reopening](#) to provide information for patients and [recommendations on how to reopen safely](#) for **health care facilities** (6/9/20) (**New**)
  - FEMA jointly released with HHS and CISA an [updated fact sheet](#) on the distribution of **cloth facial coverings to the non-healthcare sector** to assist in the transition to reopening. (6/8/20) (**New**)
  - The White House released an [addendum](#) to the “Opening Up America Again Testing Blueprint.” The addendum is **focused on using tests for diagnosis and proactive surveillance.** (6/5/20)
  - The President [announced an executive order](#) to **allow federal agencies to use COVID-19 emergency authority to bypass environmental regulation**, including “provisions of major environmental laws such as the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and Clean Water Act (CWA) and their implementing regulations.” The order directs the agencies to compile reports to be submitted within 30 days identifying projects these emergency and other authorities may be used for to facilitate economic recovery. (6/4/20)
    - To understand the Executive Order’s impact on infrastructure investments and environmental regulations read this A&B [advisory](#). (6/5/20)
  - The CDC issued a new detailed [report](#) on its activities and initiatives that support the transition to reopening. (5/20/20)
    - The CDC updated or released guidance for reopening:
      - [Face Cloth information for Consumers](#) (6/10/20) (**New**)

- [Guidance for Nail Salon Employees](#) and [Employers](#) (6/9/20) (**New**)
- [Staffing Resources for States and Other Government Entities](#) (6/8/20) (**New**)
- [Public Health Information for Travelers](#) (6/8/20) (**New**)
- [Park Administrators](#) (6/8/20) (**New**)
- [Communities exposed to person with known or suspected COVID-19](#) (**Updated 6/5/20**)
- [Postmortem and specimen guidance](#) (6/5/20)
- [Contact Tracing for Reopening](#) (**Updated 6/4/20**)
- [CDC/OSHA Virus Protection Guidance for Agriculture Workers](#) (6/3/20)
- [Fact Sheet on Keeping Workplaces, Homes, Schools or Commercial Establishments Safe](#) (6/3/20)

## Federal Communications Commission

- The FCC has [approved](#) another 67 telehealth funding applications to health care providers totaling \$20.18 million. (6/10/20) (**New**)

## Department of Health and Human Services

- The **Department of Health and Human Services (HHS)** Coronavirus [toolkit](#) page has been updated. (**Updated 6/9/20**)
- HHS has a **tracking feature that allows public viewing of all COVID-19 HHS grants** and cooperative agreement awards on its [website](#). The grants were distributed through programs in the ACF, ACL, ASPR, CDC, DHHS/OS, HRSA, IHS, NIH, and SAMHSA. (**Updated 6/8/20**)
- The NIH has [launched a project to evaluate drugs prescribed to children](#) with COVID-19. (6/10/20) (**New**)
- The HHS Office of Biomedical Advanced Research and Development Authority (BARDA) has [announced](#) a partnership with OraSure Technologies to develop an in vitro diagnostic test for SARS-CoV-2 in oral fluids. (6/10/20) (**New**)
- BARDA has [announced](#) a **collaboration with AstraZeneca to development a novel COVID-19 Therapeutic.** (6/9/20) (**New**)
- The HHS Office of Civil Rights (OCR) has [announced](#) it had reached **Early Case Resolution with the State of Connecticut** after the state issued an executive order regarding non-visitation policies for short-term hospitals and outpatient clinics to ensure that people with disabilities are not denied reasonable access to needed support persons after it agreed to grant a 73-year old woman with aphasia access to support persons to help. **OCR also reached an agreement with Hartford Hospital** with her communication and comprehension in her treatment. (6/9/20) (**New**)
- HHS released a [fact sheet](#) on the departments steps to address the disparate impact of COVID-19 on Black and other racial or ethnic minorities. (6/8/20) (**New**)
- The Substance Abuse and Mental Health Services Administration (SAMHSA) [awarded](#) \$66 million in **grants to provide training, education, and resources to improve the delivery of mental and substance use disorder treatment**, especially for those impacted by COVID-19. (6/5/20)

## Centers for Disease Control and Prevention

- The **Centers for Disease Control and Prevention (CDC)** [COVIDView Weekly Summary](#) is available. (Updated 6/5/20)
  - The CDC weekly COVID [forecast](#). (Updated 6/4/20)
  - The CDC [U.S. testing data](#). (**Updated 6/10/20**)
  - The CDC [updated](#) its information on **serology testing** for COVID-19 at CDC. (Updated 5/24/20)
  - The CDC [updated](#) its information on **contact tracing and case investigation**. (Updated 6/4/20)
- The CDC has activated its [Rapid Response Team webpage](#) (RRT) and updated it [guidance on RRT composition](#). The RRT are a multidisciplinary public health approach to surveillance, laboratory and health care systems for COVID-19 and other possible public health emergencies. (6/10/20) (**New**)
- The CDC has [updated its information for laboratories](#) and its [FAQs for COVID-19 lab testing](#). (6/10/20) (**New**)
- The CDC released [information for health departments](#) on investigating COVID-19 cases. (6/8/20) (**New**)
- The CDC [updated its guidance](#) on COVID-19 RT-PCR primers and probes sequences that are intended to be used for the purpose of respiratory virus surveillance and research. (6/8/20) (**New**)
- The CDC has released new guidance for:
  - [Youth Camps](#) (**Updated 6/10/20**)
  - [Breastfeeding and Breast Milk](#) (6/10/20) (**New**)
  - [Evaluation and Management for Neonates at Risk for COVID-19](#) (6/10/20) (**New**)
  - [Health Care Provider PPE Guidance when caring for COVID-19 Patients](#) (6/9/20) (**New**)
  - [Park and Recreational Facilities](#) (6/9/20) (**New**)
  - [Guide for Case Investigators focusing on Talking with Patients](#) (6/9/20) (**New**)
  - [Guidance for Contact Tracers](#) (6/5/20) (**New**)
  - [Interim laboratory biosafety guidelines](#) for handling and processing specimens – the [Biosafety FAQs](#) were also updated (6/5/20)
  - [Animals and COVID-19](#) (6/5/20)

## Centers for Medicare & Medicaid Services

- The **Centers for Medicare and Medicaid Services (CMS)** latest [news alerts](#). (**Updated 6/9/20**)
  - And for the latest COVID-19 related CMS guidance and FAQs visit the CMS Current Emergencies [webpage](#). (**Updated 6/10/20**)
- CMS [guidance](#) and FAQs for State Survey Agencies and non long-term care providers and suppliers providing care for individuals with disabilities. (6/10/20) (**New**)
- CMS had [posted](#) the first set of **nursing home COVID-19 data resulting from data reporting and inspections**. They also provided [FAQs](#) to explain the data. (6/4/20)

## HHS/CDC/CMS/HRSA CARES Act Provider Relief Funds

- HHS [announced](#) three new Provider Relief Fund allotments completing the initial \$100 billion authorized by the CARES Act. The additional \$75 billion for the Provider Relief Fund authorized by the Paycheck Protection and Healthcare Enhancement Act remains to be distribution and neither the breakdown nor the disbursement formulas are known. (6/9/20) (**New**) The three new allotments are:
  - \$10 billion for **safety net hospitals** – for purposes of this disbursement, safety net hospitals are defined as those with a Medicare Disproportionate Share Payment percentage of 20.2 % or greater, and an average uncompensated care per bed of \$25,000 or more, and profitability of 3 percent or less as reported to CMS. HHS has [posted the state-by-state breakdown](#). (6/9/20) (**New**)
  - \$10 billion is a **second round funding for hot spot hospitals**. To determine eligibility for this funding, hospitals [must submit their information by June 15, 2020](#) at 9:00 pm ET and to be submitted through the teletracking portal. On Monday, June 8, HHS sent communications to all hospitals asking them to update information on their COVID-19 positive-inpatient admissions for the period January 1, 2020 through June 10, 2020. This information will be used to determine the second round of funding for COVID-19 hotspot hospitals. (6/9/20) (**New**)
  - \$15 billion for **Medicaid and Children's Health Insurance Program (CHIP) providers** that participate in state Medicaid and CHIP programs and have NOT received a payment from the Provider Relief Fund General Allocation. The Provider Relief Fund portal will soon be open to allow eligible Medicaid and CHIP providers to report their annual patient revenue, which will be used as a factor in determining their payment. The payment to each provider will be at least 2 percent of reported gross revenue from patient care. The final amount each provider will receive will be determined after the data is submitted, including information about the number of Medicaid patients providers serve. (6/9/20) (**New**)
- HHS - the CARES Act Provider Relief Fund (PRF) [webpage](#) and [Portal](#) (**Updated 6/10/20**)
  - And the PRF [FAQs](#) (**Updated 6/10/20**) have been **updated and capture numerous modifications**. **Note:** The updated FAQs provide additional detail on eligibility and process for the 3 new targeted allotments.
- The CDC has posted an [updated dataset](#) of **provider recipient specific payment** from the Provider Relief Fund **general distribution high impact targeted allocation and/or rural targeted allocation**. The dataset includes who has attested to receiving one or more payments and agreed to the terms and conditions as of June 3. \$49.875 billion of the \$72 billion allocated to these distribution pools has been attested to. (**Updated 6/5/20**)
- The COVID-19 Provider Relief Fund – the A&B [General Distribution Attestation and Application Process Guide](#) has been updated. (Updated 5/27/20)
- The CARES Provider Relief Fund **hotline** is (866) 569-3522.

## Food and Drug Administration

- FDA provides a **daily roundup on COVID-19** related actions. The latest [announcements](#). (**Updated 6/10/20**)
  - FDA updated its [FAQs](#) on Testing for SARS-CoV-2, including posting a list of **antibody tests** that are being **removed** from the “notification list” of tests being offered. (**Updated 6/5/20**)
  - FDA maintains its COVID-19 [FAQs](#) for the general public. (**Updated 6/3/20**)
  - FDA [webpage](#) for health professionals. (6/2/20)
  - The agency also maintains a [public database](#) of drug shortages. (**Updated 6/5/20**)
  - The FDA has published a new [webpage on COVID-19 Educational Resources](#). (6/9/20) (**New**)
- The FDA has [approved](#) an abbreviated new drug application for succinylcholine chloride injection. (6/10/20) (**New**)
- The FDA has [issued a Emergency Use Authorization](#) to Illumina, Inc. for the first COVID-19 diagnostic test utilizing next generation sequence technology. (6/10/20) (**New**)
- The FFA has [issued guidance](#) on the distribution of drug samples during COVID-19. (6/9/20) (**New**)
- The FDA has [added the BioMed Innovations SuppleVent Ventilator](#) to the list of authorized ventilators. (6/9/20) (**New**)
- The FDA [reissued an emergency use authorization](#) revising which **types of respirators can be decontaminated for reuse**. (6/7/20)
  - The FDA has also [announced](#) it has reissued two emergency use authorizations covering imported respirators by tightening other criteria in the Non-NIOSH-Approved Filtering Face piece Respirators Manufactured in China and Imported, Non-NIOSH-Approved Disposable Filtering Face piece Respirators. (6/9/20) (**New**)
- The FDA has developed a [resource](#) on **testing supply substitution strategies**. (6/5/20)
- The FDA [announced](#) it had issued an emergency use authorization to Roche Diagnostics for Elecsys IL-6, an in vitro diagnostic test for the quantitative measurement of IL-6 in human serum and plasma. (6/5/20)
- The FDA [approved a new antibiotic](#) to **treat hospital-acquired bacterial pneumonia** and ventilator-associated bacterial pneumonia. (6/5/20)
- The FDA [approved](#) a new drug **to treat ventilated patients**. (6/5/20)

## Department of Homeland Security/FEMA/DOD

- The **Department of Homeland Security (DHS)** posts a [weekly update](#) of its response to COVID-19. (**Updated 6/8/20**)
- FEMA has released [guidance](#) on providing Mass Care during a pandemic. (6/10/20) (**New**)
- FEMA [announced](#) that the Emergency Food and Shelter Program (EFSP) will begin disbursing \$320 million in aid to community organizations dedicated to food, shelter, and supportive services. This funding was authorized by the CARES Act. (6/9/20) (**New**)

- FEMA has [released a fact sheet](#) on COVID-19 and historic preservation compliance. (6/5/20)
- FEMA releases the latest [state-by-state data on PPE](#). (6/5/20)

## Department of Justice/Federal Trade Commission/Litigation

- The **Department of Justice** maintains an **anti-price gouging and anti-fraud** [webpage](#) with information on reporting complaints and resources on prevention. (Updated 6/6/20)

## Small Business Administration

- **Small Business Administration (SBA)** – In response to the **CARES Act** requirements, the SBA **Paycheck Protection Program (PPP) website** has updated its [FAQs](#) for lenders and borrowers. (Updated 5/27/20)
  - The [Summary](#) of Paycheck Protection Program Lending (**Updated 6/6/20**)
  - The SBA, jointly with the Department of Treasury [announced](#) **Paycheck Protection Program changes** in response to the recent passage of the Paycheck Protection Flexibility Act. (6/9/20) (**New**)
  - These changes include (**New**):
    - Extend the covered period for loan forgiveness from eight weeks after the date of loan disbursement to 24 weeks after the date of loan disbursement, providing substantially greater flexibility for borrowers to qualify for loan forgiveness. Borrowers who have already received PPP loans retain the option to use an eight-week covered period.
    - Lower the requirements that 75 percent of a borrower's loan proceeds must be used for payroll costs and that 75 percent of the loan forgiveness amount must have been spent on payroll costs during the 24-week loan forgiveness covered period to 60 percent for each of these requirements. If a borrower uses less than 60 percent of the loan amount for payroll costs during the forgiveness covered period, the borrower will continue to be eligible for partial loan forgiveness, subject to at least 60 percent of the loan forgiveness amount having been used for payroll costs.
    - Provide a safe harbor from reductions in loan forgiveness based on reductions in full-time equivalent employees for borrowers that are unable to return to the same level of business activity the business was operating at before February 15, 2020, due to compliance with requirements or guidance issued between March 1, 2020 and December 31, 2020 by the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, or the Occupational Safety and Health Administration, related to worker or customer safety requirements related to COVID-19.
    - Provide a safe harbor from reductions in loan forgiveness based on reductions in full-time equivalent employees, to provide protections for borrowers that are both unable to rehire individuals who were employees of the borrower on February 15, 2020, and unable to hire similarly qualified employees for unfilled positions by December 31, 2020.

- Increase to five years the maturity of PPP loans that are approved by SBA (based on the date SBA assigns a loan number) on or after June 5, 2020.
- Extend the deferral period for borrower payments of principal, interest, and fees on PPP loans to the date that SBA remits the borrower's loan forgiveness amount to the lender (or, if the borrower does not apply for loan forgiveness, 10 months after the end of the borrower's loan forgiveness covered period).
- In addition, the new rules will confirm that June 30, 2020, remains the last date on which a PPP loan application can be approved.

## Department of Treasury/IRS/Federal Reserve

- The Department of Treasury [website](#) for CARES Act business assistance programs.
- The Federal Reserve announces [expansion of its Main Street Lending Program](#) and [reaffirms its commitment to provide assistance during the pandemic](#). (6/9/10) (**New**)
- The Internal Revenue Service (IRS) released a [reminder](#) that the deadline for those who pay estimated taxes has been delayed until July 15. (6/10/20) (**New**)
- The IRS [issued](#) warnings for the public to guard against tax fraud and other schemes related to COVID-19. (6/9/10) (**New**)
- A&B Federal Tax Group provides guidance on a **little-known rule that could allow disaster losses from 2020's COVID-19 pandemic to be used as losses for 2019**. Read more [here](#). (6/1/20)

## Other Agencies

- The U.S. Department of Agriculture has announced an [extension](#) of the waiver allowing flexibility in **child nutrition programs through the summer**. (6/10/20) (**New**)
- The **Environmental Protection Agency's** (EPA) Office of Enforcement and Compliance Assurance issued a [compliance advisory](#) on **products claiming to kill coronavirus**. The advisory states that products claiming to kill viruses are pesticides and must be registered with EPA. The advisory also notes that EPA is receiving tips and complaints about pesticidal products with potentially false or misleading claims and is considering enforcement actions. (5/29/20)
- The Department of Housing and Urban Development has [announced](#) the final allocation of **Emergency Solutions Grants** funding to support homeless programs and low-income housing. (6/10/20) (**New**)
- The Department of Labor [announced a webinar](#) on Coronavirus-related **paid sick leave requirements for business owners and employers**. It is scheduled for **June 12** from 11:00am – 12:00pm CDT. (6/9/20) (**New**)
- The Department of Labor has [awarded](#) nearly \$239 million in **Dislocated Worker grants**. (6/9/20) (**New**)
- The Department of Labor Wage and Hour Division:
  - [announced](#) that a West Point, Georgia company has paid an employee after it was determined the employer wrongly denied emergency paid sick leave related to the coronavirus. (6/9/20) (**New**)

- [announced](#) a Maryland electrical contractor **has reinstated an employee after an investigation** found the employer denied paid sick leave under the provisions from the Families First Coronavirus Response Act. (6/9/20) (**New**)

## Trade and International Business Issues

- The Export-Import Bank of the United States (EXIM) has [revised](#) key features of two short-term export credit insurance products to allow for streamline application during the pandemic. (6/9/10) (**New**)
- **U.S. Customs and Border Protection (CBP) seizing counterfeit and unapproved COVID-19 Treatment Products.** [CBP](#) continues to identify and seize large numbers of counterfeit or unapproved COVID-19 treatment products. Through June 1, CBP seized more than 107,300 FDA-prohibited COVID-19 test kits, 750,000 counterfeit face masks, 2,500 prohibited anti-virus lanyards, and 11,000 FDA-prohibited chloroquine tablets. (6/5/20)
- The **USTR: “A post-coronavirus pandemic U.S. industrial policy”** U.S. Trade Representative Robert Lighthizer said the United States should establish a post pandemic industrial policy, such as by increased tariffs and subsidies, to restore supply chains in a time of crisis to achieve more independence on material that is “really important to the country,” during a [webinar](#) hosted by the Economics Club of New York on June 4. (6/4/20)
- **World Trade Organization (WTO) looks at impact of COVID-19 pandemic on trade in services, such as tourism, transport, retail, and health.** A WTO [report](#) highlighted that the pandemic has led to greater reliance on online services in many sectors as consumers develop new habits with social distancing measures. The report noted that disruption in the supply of services had an impact on social and economic inclusiveness, as well as that trade of services such as telecommunications and computing will be key to economic recovery globally. (5/28/20)

## Insurance Issues

- For a **50-state review of business interruption insurance related issues** see this new COVID-19 [Insurance Litigation and Regulatory Issues tracker](#). The tracker is updated weekly. (Updated 6/5/20)
- **Recent claims pertaining to COVID-19 and business interruption losses** continue to be filed, while dispositive motion practice has kicked off in some previously-filed actions. Notable filings and orders include:
  - On May 29, **In-N-Out Burgers filed suit against its insurer Zurich American Insurance Company** in the Central District of California, alleging that it was prohibited by government order to provide dine-in services, that it suffered business interruption losses despite being able to continue drive-through operations, and that Zurich wrongfully denied its claims for business interruption coverage. In-N-Out argues that its policy “expressly includes coverage for many type of contamination, including . . . virus, pathogen, or pathogenic organism, and disease-causing illness or agent.” In-N-Out seeks damages for breach of contract and a declaratory judgment outlining the scope of Zurich’s obligation to pay under the policy. The case is *IN-N-Out Burgers v. Zurich Am. Ins. Co.*, No. 8:20-cv-1000 (C.D. Cal.).

- On June 2, **Geragos & Geragos APC (“Geragos”)** moved to dismiss the declaratory judgment action filed by **Travelers Casualty Insurance Company** of America in the Central District of California. Geragos argues that dismissal is warranted because Travelers has engaged in forum shopping by filing the action in federal court after Geragos had filed several suits on behalf of itself and various clients in California state court, and that the Central District should decline to entertain the suit as it raises “novel and unsettled questions of state law” better resolved by the state courts. The case and docket entry are *Travelers Cas. Ins. Co. of Am. v. Geragos & Geragos APC*, No. 2:20-cv-03619-PSG-E (C.D. Cal.), Dkt. 16.
- On June 3, **Flor Expo LLC and Kendal Floral Supply, LLC** filed suit against their insurer **Travelers Property Casualty Company** of American in the Southern District of California, alleging that the insurer used COVID-19 as a pretense to deny Plaintiffs claims for physical loss of flower inventory in a form-denial letter, despite Plaintiffs allegedly not having referenced either COVID-19 or business interruption in their claim submissions. Instead, Plaintiffs allege that government orders prohibited Plaintiffs from accessing their warehouses where imported flowers were stored, and Plaintiffs were unable to move their inventory before it perished. Plaintiffs seek declaratory relief and damages for breach of contract and breach of the covenant of good faith and fair dealing. The case is *FlorExpo LLC et al. v. Travelers Prop. Cas. Co. of Am.*, No. 3:20-cv-01024-JLS-DEB (S.D. Cal.)

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For background and the most up-to-date information, please visit the Centers for Disease Control and Prevention Coronavirus Disease 2019 website: [HERE](#). The additional federal agency links are provided by the White House Coronavirus Task Force:

**What You Should Know:**

- [How to Protect Yourself & Others](#)
- [How COVID-19 Spreads](#)
- [Frequently Asked Questions](#)
- [Social Distancing](#)
- [Quarantine and Isolation](#)
- [Use of Cloth Face Coverings to Help Slow the Spread of COVID-19](#)
- [When to Wear Gloves](#)
- [What to Do If You Are Sick with COVID-19](#)
- [Symptoms](#)
- [Facts about COVID-19](#)
- [Testing for COVID-19](#)
- [Test for Current Infection](#)
- [Guidance Documents](#)

**Information for Businesses:**

- [Information for Communities, Schools, and Businesses](#)
- [Workplaces during the COVID-19 Pandemic](#)

- [Restaurants and Bars during the COVID-19 Pandemic](#)
- [Cleaning and Disinfecting Your Facility](#)
- [Worker Safety and Support](#)
- [COVID-19 Critical Infrastructure Sector Response Planning](#)
- [Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19](#)
- [Interim Guidance for Businesses and Employers](#)
- [Prepare your Small Business and Employees for the Effects of COVID-19](#)
- [General Business Frequently Asked Questions](#)
- [Interim Guidance on Respirator Supply in Non-Healthcare Sectors](#)
- [Information for Small Businesses](#)
- SBA: [COVID-19 Resources](#)
- Treasury: [Assistance for Small Businesses](#)
- DOL: [Guidance for Preparing Workplaces for Coronavirus](#)
- DOL: [COVID-19 and the American Workplace](#)
- DOL: [OSHA Resources for Workers and Employers on COVID-19](#)
- WHO: [Get Your Workplace Ready for COVID-19](#)
- CISA: [Risk Management for COVID-19](#)
- CISA: [Telework Guidance and Resources](#)
- CISA: [Guidance on the Essential Critical Infrastructure Workforce](#)

## **Information for Travel and Transportation:**

- [Information for Travel](#)
- [Travel in the United States](#)
- [Public Health Considerations for Reopening Mass Transit During the Covid-19 Pandemic](#)
- [COVID-19 Travel Recommendations by Country](#)
- [Travel Restrictions to Prevent the Spread of Disease](#)
- [Airline Guidance](#)
- [Cruise Ship Guidance](#)
- [Cargo Ship Guidance](#)
- [Maritime Resources](#)
- [Returning from International Travel](#)
- [Travelers Returning from Cruise Ship and River Cruise Voyages](#)
- [Travel: Frequently Asked Questions and Answers](#)
- [Travelers Prohibited from Entry to the United States](#)
- [Communication Resources for Travelers](#)
- State: [Travel Advisories](#)
- State: [Traveler's Checklist](#)
- State: [Smart Traveler Enrollment Program](#)
- DOT: [FAQs from FTA Grantees Regarding COVID-19](#)
- DOT: [Expanded Emergency Declaration](#)
- FAA: [Guidance for Air Carriers and Crews](#)

## Information for Healthcare Providers, First Responders, and Research Facilities:

- [Information for Healthcare Professionals](#)
- [Guidance for U.S. Healthcare Facilities](#)
- [Evaluating and Testing](#)
- [Staffing Resources](#)
- [Clinical Care Guidance for Healthcare Professionals](#)
- [Infection Control Guidance for Healthcare Professionals](#)
- [Preparedness Tools for Healthcare Professionals](#)
- [Strategies to Optimize the Supply of PPE and Equipment](#)
- [Potential Exposure in a Healthcare Setting](#)
- [First Responder Guidance](#)
- [Resources for Responders & Law Enforcement](#)
- [Training for Healthcare Professionals](#)
- [Information for Pediatric Healthcare Providers](#)
- [Clinical Questions about COVID-19: Questions and Answers](#)
- [Support for Health Departments](#)
- [Pandemic Preparedness Resources](#)
- [Reporting Cases of COVID-19](#)
- [Guidance for Public Health Professionals Managing People with COVID-19 in Home Care and Isolation Who Have Pets or Other Animals](#)

## Information for Community Events and Gatherings:

- [Interim Guidance for Mass Gatherings and Large Community Events](#)
- [Event Planning and COVID-19: Questions and Answers](#)

## **Alston & Bird Coronavirus Links**

- Alston & Bird Coronavirus [Response & Relief](#) Web page
- To [Subscribe](#) to Alston & Bird Advisories
- For Alston & Bird [COVID-19 Insights and Events](#)
- **Previous Alston & Bird Coronavirus Advisories** (not included in the above)
  - **May 29**
    - [Environment, Land Use & Natural Resources Advisory: Emergency Rule 9 Amendment Provides Deadlines for Statutes of Limitations](#)
  - **May 22**
    - [A&B Environment and Land Use Briefing: COVID-19 Articles Included](#)
  - **May 21**
    - [Prescribing Paid Sick Leave -- An Important Tool for Primary Care During the Pandemic: JAMA Health Forum](#)
  - **May 18**
    - [International Tax Advisory: Proposed Treasury Regulations Clarify UBTI "Silo" Rule](#)

- [Financial Services Litigation / Financial Services & Products Advisory: CFPB Reflects on the Impact of COVID-19 and Provides a Window into Future Enforcement](#)
- **May 15**
  - [A&B Investment Management Updates, including items reflecting the impact of the coronavirus pandemic.](#)
- **May 12**
  - [Finance Advisory: Ginnie Mae Extends PTAP/C19 Assistance to Multifamily MBS Program](#)
  - [A&B Guide to Telehealth Waivers and Regulatory Flexibilities](#)
  - [The Digital Download -- Alston & Bird's Privacy & Data Security Newsletter](#)
- **May 8**
  - [Finance Advisory: ESG During the Coronavirus Crisis -- Should You Care?](#)
  - [Health Care / Privacy & Data Security Advisory: Expansive Interoperability and Data-Sharing Requirements Require Attention Despite Delays in Enforcement](#)
  - [Financial Restructuring & Reorganization Advisory: Delaware Courts Leery of Shareholder Obstruction](#)
- **May 6**
  - [Finance Advisory: Federal Reserve Revises Main Street Lending Program, Adds Third Option](#)
- **May 5**
  - [Finance Advisory: Brexit and Its Potential Impact on Cross-Border Litigation Throughout Europe](#)
  - [Investment Management Advisory: Update on Relief Under the CARES Act for Fund Managers](#)
- **May 4**
  - [Food, Drug & Device/FDA Advisory: Examining the Drug Supply Chain -- How the Public Health Emergency Impacts DSCSA](#)
- **April 30**
  - [College & Universities Advisory: Schools Face Class Action as Parents and Students Sue for Refunds](#)
  - [White Collar Government & Internal Investigations Advisory: New PPP Funding Ups Ante for Compliance Failure--Audits on the Horizon](#)
- **April 29**
  - [Health Care / Health Care Litigation Advisory: COVID-19 A Tipping Point for Telehealth Expansion](#)
- **April 28**
  - [Labor & Employment Advisory: The New Executive Order Suspends Entry of Immigrant Visa Applicants into the U.S. for 60 days](#)
- **April 24**
  - [Commercial Litigation Advisory: COVID-19 Impacts on Statutes of Limitations](#)
- **April 23**
  - [International Trade & Regulatory Advisory: FEMA Issues Guidance on Exemptions for Critical PPE Export Restrictions](#)

- **April 22**
  - [Labor & Employment Advisory: Developing a Plan to Bring Your Employees Back to Work](#)
- **April 21**
  - [Financial Advisory: Forbearance Agreements in the age of COVID-19 and National Shelter-in-Place Orders](#)
  - [Antitrust / Mergers & Acquisitions / International Trade & Regulatory Advisory: COVID-19 Affect European Foreign Direct Investment Reviews: New EU Guidance Potentially Heralds Increased Protectionism](#)
- **April 20**
  - [Financial Advisory: FHFA Limits Servicer Advancing Obligations for Loans in COVID-19 Forbearance](#)
- **April 17**
  - ["INSIGHT: Businesses Better Brace for Post-Coronavirus Lawsuits" Bloomberg Law](#)
  - [Antitrust / Labor & Employment Advisory: Federal Antitrust Agencies Remind Businesses That Colluding on Labor Issues Remains Illegal During Pandemic](#)
  - [Labor & Employment / Health Care / Corporate & Finance Advisory: Ramping Up: What Does Restarting Look Like?](#)
- **April 16**
  - [International Tax Advisory: Risky Business - Allocating Losses When Your Supply Chain Is Disrupted](#)
  - [Finance Advisory: Ginnie Mae Expands Pass-Through Assistance Program to Finance Servicing Advances in Response to COVID-19](#)
- **April 15**
  - ["Force Majeure Clauses in the Face of COVID-19: Commercial Leasing Guidance \(CA\)," Lexis Practice Advisor](#)
  - [Federal Tax Advisory: IRS Issues COVID-19 Forbearance Guidance for REMICs and Investment Trusts](#)
- **April 14**
  - [Investment Advisory: Federal Reserve Announces Main Street Lending Program to Provide Liquidity to Small & Mid-Size Businesses](#)
  - [Investment Management Advisory: Relief Under the CARES Act for Fund Managers](#)
- **April 13**
  - ["As Pandemic Triggers Continuity Plans, What RIAs and BDs Should Ask Themselves," Financial Planning](#)
  - [FDA & Environment Advisory: Cleaning Up After COVID-19? What You Need to Know Before You Manufacture, Import, or Sell Sterilizers, Sanitizers, Purifiers, and Disinfectants](#)
  - [Securities Law Advisory: SEC Reminds Companies to Keep Their Disclosures Looking Forward](#)
- **April 10**
  - [Securities Law Advisory: ISS Offers COVID-19-Conscious Policy Guidance](#)
- **April 9**

- [Federal Tax Advisory: IRS Provides Partnerships a Mechanism to Claim Benefit of Retroactive CARES Act Provisions](#)
- [Financial Services Advisory: Agencies Update Their Interagency Statement on Reporting Loan Modifications](#)
- [Early Securities Class Actions Highlight COVID-19 Litigation Risk \(Law360\)](#)
- [FDA Compliance & Enforcement Advisory: FDA Issues New Guidance on Supply-Chain Disruption Notifications During COVID-19 Emergency](#)
- [Financial Restructuring & Reorganization Advisory: Protecting Recoveries in a Pandemic: What Creditors Can Do Right Now](#)
- **April 7**
  - [Updated FAQs Regarding Paid Leave Obligations Under the Families First Coronavirus Response Act](#)
  - [Cyber Alert: Cybersecurity and COVID-19: Four Categories of Cyber Threats and Practical Tips in Response](#)
- **April 6**
  - [Antitrust Advisory: Production and R&D Joint Ventures in a Pandemic: Reducing Antitrust Risk](#)
  - [Financial Services Advisory: Regulatory Agencies Issue Mortgage Servicing Guidance and FAQs for the CARES Act](#)
  - [White Collar, Government Investigations Advisory: CARES Act Follows Familiar Blueprint for Oversight and Enforcement](#)
- **April 3**
  - [EU State Aid Measures in the Fight Against COVID-19 Pandemic](#)
- **April 2**
  - [USPTO Announces Additional Limited Extensions Due to the COVID-19 Pandemic](#)
  - [Deadline for Reg BI and Form CRS Compliance Remains on Track](#)
  - [What Does the Coronavirus Mean for Companies and Their Critical Offshore Services?](#)
- **April 1**
  - [Federal Tax Advisory: Downward Stock Attribution for CFC Purposes](#)
  - [Hospital EMTALA Obligations Under Recent COVID-19 Waivers](#)
  - [CMS Issues Blanket Waivers from Physician Self-Referral Law Sanctions](#)
- **March 31**
  - [Additional Families First Coronavirus Response Act Paid Leave FAQs for Employers](#)
  - [SEC Extends Timeframe for Regulatory Relief for Investment Advisers and Investment Companies](#)
  - [Responsibility for Construction Site Safety in a Coronavirus World](#)
- **March 30**
  - [Keep Mystery to a Minimum in Your SEC COVID-19 Disclosures](#)
  - [How the CARES Act Will Affect Banking During the Coronavirus Emergency](#)
  - [Economy in Chaos: Is Bankruptcy Inevitable for My Business?](#)
  - [CMS Announces Expansion of Medicare's Accelerated and Advance Payment Program](#)
- **March 27**

- [Utilization of Electronic Signatures and Records: What You Need to Know](#)
    - [SEC Extends Conditional Filing Relief to Companies Affected by COVID-19](#)
    - [COVID-19: What It May Mean for Landlords and Lenders Under Their CRE Facility Agreements](#)
    - [Congress Further Expands Medicare Telehealth Benefits with the CARES Act](#)
  - **March 26**
    - [USTR to Consider Additional Tariff Exclusions Due to COVID-19 Pandemic](#)
    - [COVID-19 and Price Gouging](#)
    - [SEC Continues to Keenly Monitor Insider Trading During COVID-19 Pandemic](#)
  - **March 25**
    - [Is the COVID-19 Outbreak an “Act of God”? Why It May Matter for Your Contracts](#)
    - [FDA and USDA Food Safety Response to COVID-19 & DHS “Critical Infrastructure” Classification of Food and Agriculture Sector](#)
    - [Does Your Force Majeure Provision Extend to the Coronavirus?](#)
    - [Competition Authorities Across Europe Relax Competition Law Enforcement During COVID-19 Outbreak](#)
    - [COVID-19 Impacts Antitrust Deal Reviews: New Procedures and Delays](#)
  - **March 24**
    - [Health Care Providers with Exposure to COVID-19: What You Need to Know](#)
    - [Regulators Further Clarify Guidance Regarding Loan Modifications and Reporting](#)
    - [Avoiding Antitrust Risk as Industries Respond to the Coronavirus: Businesses Look to Collaborate & Federal Government Offers Expedited Avenues](#)
  - **March 23**
    - [FDA Continues to Accelerate Availability of COVID-19 Tests](#)
    - [CFTC Issues No-Action Letter Offering Regulatory Relief for CPOs](#)
    - [Building a Case for Force Majeure in Construction Contracts](#)
  - **March 20**
    - [Employee Benefits & Executive Compensation Advisory: Coronavirus Impact on Health Benefits: A Deeper Dive](#)
    - [FDA Compliance & Enforcement Advisory: FDA Temporarily Postpones Routine Domestic Inspections](#)
  - **March 19**
    - [Antitrust / Mergers & Acquisitions Advisory: COVID-19 Impacts Antitrust Deal Reviews: New Procedures and Delays](#)
    - [Construction Advisory: Five Best Practices for Construction Industry Stakeholders During the Coronavirus Pandemic](#)
    - [Labor & Employment Advisory: Employee Leave Requirements Under the Families First Coronavirus Response Act](#)
    - [Labor & Employment / Health Care Advisory: Coronavirus \(COVID-19\) FAQs for Employers](#)
  - **March 18**
    - [Cyber Alert: Six Practical Tips for Practicing Cyberhygiene in the Middle of a Global Pandemic](#)

- [Advisory: Are You an "Essential Business" in California Counties Where Shelter-in-Place Order Have Been Issued?](#)
  - **March 17**
    - [Finance Advisory: Coronavirus and Securitization: Disclosure and Diligence Issues](#)
  - **March 16**
    - [Securities Law Advisory: SEC Provides Guidance on the Possible Impacts of COVID-19 on Annual Meetings](#)
    - [Health Care / Cybersecurity Preparedness & Response Advisory: COVID-19 and HIPAA: Privacy, Security, and Breach Response During a Global Pandemic](#)
  - **March 13**
    - [Financial Services & Products Advisory: FINRA Guidance: COVID-19 and Business Continuity Planning](#)
    - [Food, Drug & Device/FDA Advisory: FDA Seeks Help to Solve Personal Protective Equipment Shortages](#)
    - [Securities Litigation Advisory: Securities Litigation Risk Arising Out of the Coronavirus Pandemic](#)
  - **March 12**
    - [FDA Compliance & Enforcement Advisory: FDA Postpones Foreign Inspections Through April 2020: Considerations for Industry](#)
  - **March 10**
    - [Labor & Employment / Health Care Advisory: Coronavirus, Employers, and Domestic Travel: A Complicated Business Decision](#)
  - **March 6**
    - [Securities Law Advisory: SEC Provides Conditional Relief to Companies Affected by COVID-19](#)
  - **March 5**
    - [Health Care Advisory: Congress Expands Medicare Telehealth Benefit Amid Coronavirus Concerns](#)
  - **February 28**
    - [Labor & Employment / Health Care Advisory: The Coronavirus: Employer and Workplace Considerations](#)