

April 27, 2020

Wisconsin State Legislature:

As the scope and duration of the COVID-19 pandemic continues to expand, trial lawyers are already looking to profit from others' tragedy. The business community appreciates the work that the Legislature has done so far to protect healthcare workers and those businesses that donate personal protective equipment. However, as we work to reopen Wisconsin's economy, Wisconsin employers and job creators need broader protections against trial lawyers who are sizing up grocery stores, manufacturers, hotels, restaurants, and any other business that holds themselves open to the public as potential "deep pocketed" defendants. **The Legislature should pass reasonable protections from liability for those employers who reopen to serve the public to meet payroll while taking commonsense measures to protect their employees, customers, and clients during these irregular times.**

These measures include:

- *Protect all Wisconsin businesses from an anticipated crippling surge of coronavirus lawsuits by individuals claiming to have contracted COVID-19 at a place of business by precluding suits by individuals who were asymptomatic or only had minor symptoms from seeking compensation.*
- *Expand protections for manufacturers, sellers, and distributors of personal protective equipment by removing arbitrary limitations placed on them in 2019 Act 185. A business should not have to essentially give away or donate such equipment to be protected from predatory trial lawyers.*
- *Protect individuals from liability for rendering aid or support to those suffering from a communicable disease.*

These liability provisions should be enacted to protect the engines of our economy from crippling – and possibly bankruptcy causing – litigation from trial attorneys. Trial attorneys are *already* targeting public facing businesses including grocery stores and pharmacies. They are *already* soliciting individuals who have been infected with COVID-19 and arguing that, because of the shelter-in-place orders around the nation, the only places to be infected are those businesses that remain open.

Manufacturers, sellers, and distributors of essential medical products are also in the crosshairs. During the midst of a worldwide shortage of hand sanitizer and ventilators, for example, trial attorneys are *already* suing manufacturers looking to switch over to make these vital products, dampening their enthusiasm to do so and threatening their financial viability.

Any reforms that are adopted should apply retroactively to the beginning of the public health emergency.

The legislature can and should act quickly to protect businesses and individuals doing the right thing (by providing necessary services, making medical and personal protective equipment, or otherwise helping those with COVID-19) from overzealous trial attorneys looking to sow division and profit off of those that step up during a global pandemic.

The below signed business associations and chambers of commerce urge the Legislature to act quickly to adopt these commonsense protections.

Sincerely,

Wisconsin Manufacturers & Commerce
National Federation of Independent Businesses – Wisconsin
Wisconsin Civil Justice Council
Wisconsin Restaurant Association
Wisconsin Petroleum Council
Midwest Food Products Association
Wisconsin Grocers Association
Wisconsin Realtors Association
Wisconsin Independent Businesses
Wisconsin Builders Association
Wisconsin Petroleum Marketers & Convenience Store Association
Associated Builders and Contractors of Wisconsin
Independent Business Association of Wisconsin
Wisconsin Agri-Business Association
Association of Wisconsin Tourism Attractions
Skiing Wisconsin, Inc.
Wisconsin Motor Carriers Association
Wisconsin Dairy Alliance
Venture Dairy Cooperative
NAIOP-Wisconsin
Wisconsin Amusement and Music Operators
Wisconsin State Telecommunications Association

Chambers of Commerce

Waukesha County Business Alliance
Oshkosh Chamber of Commerce
Rice Lake Chamber of Commerce
Greater Green Bay Chamber of Commerce

Cottage Grove Chamber of Commerce
Merrill Area Chamber of Commerce
Hartford Chamber of Commerce
Monroe Chamber of Commerce
Portage County Business Council
Greater Wausau Chamber of Commerce
Oregon Area Chamber of Commerce
Plymouth Chamber of Commerce
Beaver Dam Area Chamber of Commerce
Hartland Area Chamber of Commerce
Marinette Menominee Area Chamber of Commerce
Dodgeville Area Chamber of Commerce
Muskego Area Chamber of Commerce
Envision Greater Fond du Lac
Fox Cities Chamber of Commerce
Menominee Falls Chamber of Commerce