

COVID-19 RESPONSE

Dear Clients and Friends:

Lightfoot is here to bring predictability to a currently unpredictable world. The country is on pause as we fight the COVID-19 virus. The sudden uncertainty of this environment makes many people anxious. At the same time, Lightfoot is a firm of trial lawyers. Trial lawyers deal with anxious uncertainty every day. We are that steady hand in the proverbial life storms. It's what we do.

Lightfoot prepared over the past year to have the capabilities to be “open for business,” no matter what. That preparation is paying off now. While the Lightfoot teams are all working remotely as part of the national and local efforts to control the pandemic, we will continue to be there for our clients. We have the resources and tools to advise and lead in the face of adversity, whether the challenges we face are traditional or the first of their kind. We call this Solution Savvy. Anytime. Anywhere.

Melody Eagan



Managing Partner
Lightfoot, Franklin & White LLC

COVID-19 Task Force

Businesses are weighing how best to address the upheaval created by these uncertain times. We are available to discuss and address these changes, the effect on business generally and — more specifically — how best to deal with the contractual and other relationships that are integral to ongoing viability.

Construction Contracts

Contractors, subcontractors and owners have entered uncharted waters in the COVID-19 environment. They face the possibility that their work may be stopped or interrupted, such that they have no income stream, but their overhead and fixed costs continue. Owners face suspension of their projects and the resulting issues with loan covenants and potential delay claims or liability. Lightfoot is experienced and prepared to help counsel and guide clients through this process, starting with a review and analysis of all contractual agreements, as well as rights and potential risks.



Contract Disruption and Non-Performance

Companies of all types will be dealing with contractual dilemmas, including performance generally, as well as navigating contract-specific provisions such as impossibility, force majeure and business interruption clauses. For those in the energy sector, as example, the price of crude and its impact on operations and take-or-pay provisions will likely present difficult decisions.



Healthcare

Lightfoot is closely monitoring the impact that the COVID-19 crisis is having on providers in Alabama and across

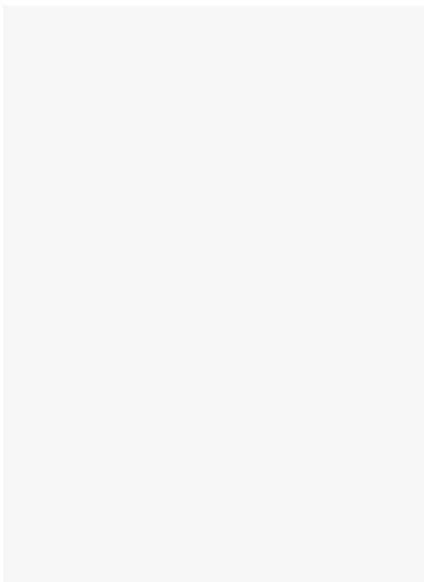
the southeastern states. For example, Alabama Governor Kay Ivey issued emergency legislation for healthcare providers that provides immunity in treating coronavirus patients if acting in good faith. The Alabama Department of Public Health has also released multiple orders affecting various aspects of healthcare services during the COVID-19 pandemic, including adjusting the standard of care for healthcare providers during this state of emergency.

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Insurance Coverage, including Business Interruption

When businesses consider the insurance issues that are associated with a pandemic, some are expected but some are less so. We immediately think of health insurance and the access that it provides to medical care should we need it. But many kinds of insurance could come into play in a crisis like this one – for example, business interruption insurance. If clients need help with an insurance question relating to the effect of the virus on business, we are here to help.



Sara Anne Ford



Labor & Employment

The COVID-19 pandemic brings many challenges to employers of all types and sizes. These include FMLA, employee benefits and potential reduction in force issues to name a few. Additionally, the federal government just passed the Families First Coronavirus Response Act, which impacts employers and employee benefits in a multitude of ways. It is critical for all employers to stay abreast of these laws, and it is very likely that Congress will pass additional legislation impacting employers in the near future.

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White Collar & Government Contracting

In the corporate investigations and white-collar defense arena, the COVID-19 pandemic will raise a host of

untested issues for businesses. A widely dispersed, remote workforce will pose new challenges — legal, technical and ethical — for corporate internal investigations. As the government disburses the largest stimulus package in American history, false claims allegations — civil complaints and criminal charges — will arise. With so much at stake, there will be intense enforcement scrutiny of potential violations of the federal bribery, anti-kickback and honest-services provisions. Similarly, with so many federal dollars flowing through the system and with such urgency that they be applied, there will be both opportunities and danger for companies that contract with the federal government.

An innocent misstatement, ill-executed accounting practice or unethical business partner can open up a range of civil, criminal or administrative penalties for federal contractors — especially in the healthcare arena. One outcome of the coronavirus may be a slew of debarment investigations and criminal pleas for defense contractors. We have the experience and expertise to help guide clients through these unique times.

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