

Tracking Updates in COVID-19 Cases and Court Activity

Watch this recorded webcast for a discussion tracking and monitoring the effect of COVID-19 on litigation. Lex Machina's legal data experts discussed trends in litigation due to COVID-19 and related societal changes. Lex Machina has recently added new features that provide even more ways to gauge and understand the effect of the pandemic.

In this webcast, our data experts discussed:

- Case filing trends
- Court activity such as recent findings and cases to watch for
- Practice Area updates for Contracts, Employment, Insurance, Securities, IP, and more

Speakers:



Carla Rydholm
Director of Product
Management
Lex Machina



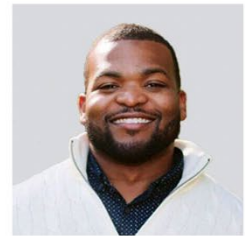
Karen Chadwick
Legal Data Expert
Lex Machina



Geneva Clark
Legal Data Expert
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Rachel Bailey
Legal Data Expert
Lex Machina



Greg Brumfield
Legal Data Expert
Lex Machina

Carla Rydholm ([00:00](#)):

Welcome to Lex Machina's presentation on Tracking Updates in COVID-19 Cases and Court Activity. Today, we'll be discussing legal analytics for COVID-19 litigation, [inaudible 00:00:18] trends in cases caused by the coronavirus pandemic and cases to watch. Before we get started just a few housekeeping notes, this will be a 30 minute presentation followed by questions for up to 45 minutes time, total. We're using slides and all the panelists will be on video. The presentation platform includes separate windows for the slides that we presented, the panelists video streams and audience questions.

Carla Rydholm ([00:46](#)):

And as [inaudible 00:00:46] moved around on your screen and resized using the lower right hand corner pull tab. We'll provide answers to questions after the presentation. My name is Carla Rydholm and I'm Director of Product Management at Lex Machina. I'm pleased to introduce today's panelists who together comprise impressive know-how and experience [inaudible 00:01:09] COVID-19 litigation.

Carla Rydholm ([01:12](#)):

As a team, Lex Machina has been tracking new cases filed because of the pandemic and today's panel is composed of legal data experts who will share their insights from reviewing these cases firsthand. Lex Machina's legal data experts are experienced lawyers, who now work at illegal [inaudible 00:01:30] money, collaborating with engineers on an integrated product team.

Carla Rydholm ([01:34](#)):

We've been a remote team since even before the pandemic. I'd like that each person on the panel would share where they're joining us from, the areas of law they are responsible for at Lex Machina and what you'll be speaking about today. Rachel Bailey is a legal data expert at Lex Machina. Good day, Rachel, and thank you for being here.

Rachel Bailey ([01:56](#)):

Hi, Carla. Good morning and good afternoon everyone. My name is Rachel Bailey and I am in New Orleans, Louisiana. I will be covering insurance today as I worked on the insurance report and then I also cover for Lex Machina trademark copyright and trade secret practice areas. Those are my regular practice areas.

Carla Rydholm ([02:21](#)):

Thanks. Geneva Clark is a legal data expert at Lex Machina. Good day Geneva. And thank you for being here.

Geneva Clark ([02:29](#)):

Hello, Carla. Hello everyone. It's a pleasure to be here. I'm here in Denver, Colorado. And it's as sunny as usual, which is wonderful. My key areas that I'm responsible for are patent and TTAB. So the patent and federal district court and TTAB protocols. And I also am involved in project management with COVID for the verticals that are live. And I today will be speaking primarily about securities law.

Carla Rydholm ([03:00](#)):

Karen Chadwick is a data expert at Lex Machina. Good day Karen and thank you for being here.

Karen Chadwick ([03:06](#)):

Hi Carla. I am today in Grosse Pointe, Michigan at my home office, and I'm the legal data expert for the contracts module at Lex Machina. I have also collaborated with Lex Machina's towards expert in connection with the COVID cases.

Carla Rydholm ([03:25](#)):

Thanks. Greg Brumfield is a legal data expert at Lex Machina. Good day Greg, and thank you for being here.

Greg Brumfield ([03:31](#)):

Thank you, Carla. And hello everyone. I'll be talking to you all about employment. I'm the employment legal data expert also covering risk as well.

Carla Rydholm ([03:40](#)):

And Greg, where might you be right now?

Greg Brumfield ([03:42](#)):

And I am in Dallas, Texas.

Carla Rydholm ([03:46](#)):

And I'll add that I'm joining this presentation from San Jose, California. Today's discussion will all in agenda, start with a review of Lex Machina's COVID-19 case definition, then explore trends by practice area and finally discuss [inaudible 00:04:05] cases to watch. Today's data is available through Lex Machina's COVID-19 resources including a COVID-19 Impact Analyzer App, which has a publicly available version. And it's also available in products [inaudible 00:04:22] the COVID-19 case tag and products and blog posts analyzing trends related to COVID-19. See lexmachina.com for details on these COVID-19 of resources.

Carla Rydholm ([04:35](#)):

Now, Rachel, could you walk us through how the Lex Machina team applies the COVID-19 case definition to find these cases that were directly caused by or significantly impacted by the coronavirus health crisis or related societal changes?

Rachel Bailey ([04:52](#)):

Sure. So it is a combination of machine learning and attorney review. And so we first search our database, which includes all cases in PACER, except for prisoner petitions and social security, that's all civil cases. And we look at cases starting January 1st or later, and tag those for keywords. And then the team you see here, as well as a few of our other legal data experts, we actually read the cases and make sure that they fit the definition. And we go through every single one and check it.

Carla Rydholm ([05:35](#)):

This slide shares the Lex Machina COVID-19 case definition. Cases that we... this definition are what we'll be discussing today, just like Rachel outlines. This definition is applied consistently across Lex Machina's coverage of commercially relevant federal district court civil cases. So the definition. Cases filed January 1st, 2020 or later with complaint texts that indicates the claims were caused and exacerbated by the circumstances of the COVID-19 pandemic.

Carla Rydholm ([06:07](#)):

The cases in the dataset, if it satisfies either of the listed criteria, so if not for the pandemic, the case would not have been filed because the allegations brought are tied explicitly to certain instances created by the pandemic. The factual dispute of the case describes how pandemic related circumstances exacerbated dispute is another problem.

Carla Rydholm ([06:31](#)):

The next slide shares how Lex Machina's definition [[inaudible 00:06:37](#)] assigned to cases that are out. So here cases that really mentioned COVID-19 as a preface or recitation are not included. As well, cases with only a procedural mentioned of the pandemic are not sufficient. So mentions of the courthouse rules because of nonessential services being shut down or service of process discussions in the complaint due to coronavirus physical distinct or even time extensions related to the pandemic. SEC, but those are procedural and would not qualify the case for being in our dataset.

Carla Rydholm ([07:12](#)):

So let's take a look at the data. Here is the Lex Machina dataset for litigation caused by COVID-19. In 2020, there was one case filed in January. There were three in February, 129 in March and then 560 in April. Let's chat about the cases filed in the beginning months of the pandemic [[inaudible 00:07:36](#)] shut down in the United States, in January through April. I'll ask the panelists. What are examples of cases that you saw then? what was trending early on?

Karen Chadwick ([07:49](#)):

Early on in the contracts cases, the first two cases were contract disputes over the purchase of personal protection equipment. And then slowly at the end of March, we started seeing a lot of class actions suits regarding refunds.

Carla Rydholm ([08:11](#)):

Geneva.

Geneva Clark ([08:11](#)):

[[inaudible 00:08:11](#)] some of the securities cases early on were based on companies misinterpreting, or essentially gaging badly one way or the other, how well or how actively they would be able to navigate the situation of the crisis, including say Zoom cases actually, where they overestimated their ability to handle the influx of material. And then there were a few outright fraud related cases handled by the SEC, including the practicing a micro cap company in Florida that falsely claimed that they were going to be able to provide huge supplies of protective masks.

Carla Rydholm ([08:54](#)):

Okay. Greg, tell us about some of the cases that you saw trending early on.

Greg Brumfield ([08:59](#)):

Great question. What I saw early on, it was a lot of... The things that popped out or jump out was, lack of childcare, parents weren't able to actually go to work and to take care of their child. So there were a few suits on that. There were a lot of suits on personal protective equipment, PPE, between hospital personnel complaining that they didn't have a safe workplace against their employer. And also, we saw,

unfortunately, employees contracting the virus, basically recovering and trying to return back to work and that being interfered with or them being terminated.

Carla Rydholm ([09:36](#)):

Okay. And Rachel, how about you? What were some of the cases you remember seeing trending early on?

Rachel Bailey ([09:41](#)):

Early on in trademark and copyright, we saw a lot of mask related cases. And so it was a lot of counterfeiting of masks and the related materials, product packaging, things like that. Including several cases filed by 3M alleging infringement of the N95 mark and as well as price gouging and things like that.

Carla Rydholm ([10:06](#)):

We'll cover by practice area, the cases filed as well May through August during our discussion today and discuss the filing really over time, including that peak in May. Let's turn now to view Lex Machina's, COVID-19 [inaudible 00:10:21] practice area. So here we see the 16 practice area that Lex Machina covers and the total number of cases caused by the pandemic for each of them labeled. And you'll note that 15 of the 16 practice areas are with cases and the practice areas with the most cases are insurance, contracts and employment, with 690, 688 and then 209 cases respectively.

Carla Rydholm ([10:51](#)):

Here on this slide are filing trends for forward periods, starting in early March to late August for the practice areas with the most COVID-19 cases. Insurance contracts and employment. Insurance and contracts filings rose rapidly, while employment filings are still rising at a steadier at pace over time. Rachel, can you tell us about the patterns we've seen in insurance COVID-19 cases?

Rachel Bailey ([11:19](#)):

Sure. So for insurance, I can see it rose rapidly through May and then it leveled off. And finally then it dipped down in August, which was a little bit lower. And most of the insurance filings are business interruption filings. So out of the 692 that you saw on the previous slide, 640 are business interruption claims. And we think that either that drop off is part just the end of summer, sometimes filings drop-off. But also people are waiting to see what happens in sort of the first wave of insurance cases. And depending on what happens, we may see a second wave of insurance cases later.

Carla Rydholm ([12:05](#)):

All right. Thanks Rachel for that input. Karen, could you tell us about the volume of contracts cases caused by COVID-19?

Karen Chadwick ([12:16](#)):

Sure, Carla. The contracts cases have followed a similar pattern as the insurance cases. We've seen a lot of cases against banks and these cases involve claims regarding implementation of the CARES act. As I mentioned earlier, early on, we started seeing the refund cases and those have continued at a pretty steady pace. Those cases are cases against colleges and universities seeking tuition refunds due to lack of the on campus experience.

Karen Chadwick ([12:52](#)):

In addition, there are a number of refund cases against airlines, and we're also seeing a lot of refund cases against venues for canceled events. I feel the pain in those cases since my son was scheduled to be married in California on March 28th, that wedding has now been rescheduled three times.

Carla Rydholm ([13:15](#)):

Oh my goodness.

Karen Chadwick ([13:17](#)):

There are also number of cases against sellers of tickets for certain events. Finally, we're still seeing a lot of cases for breach of contract, with respect to change the purchase of personal protection equipment.

Carla Rydholm ([13:31](#)):

I see. Greg, could you summarize the patterns that you're seeing in the employment case filings?

Greg Brumfield ([13:40](#)):

Sure thing, retaliation is jumping off the page. It's employees plaintiff's saying that they're being retaliated against because they have a disability or they can [inaudible 00:13:50] the virus or that bringing retaliation under the Family First Act that was recently enacted early in 2020. The next one, we're seeing a lot of FMLA violations being alleged, whether it's interference or again retaliation due to some type of medical condition that is going on.

Greg Brumfield ([14:08](#)):

So I think because of the new law it's starting to trend up and as you could see in the numbers before on the slides and more and more employee plaintiffs are finding out about it. More attorneys are finding out about this new legislation and what and how they're being impacted in the workplace.

Carla Rydholm ([14:27](#)):

Greg, what do you predict we'll see for case filings to the end of 2020?

Greg Brumfield ([14:32](#)):

Oh, continual rise because when you look at the new legislation, some of it, in fact ends on December 31st, 2020, with the Emergency Paid Sick Leave Act and Emergency Film Law. Again, more and more employees are finding out about this and their rights. And you can see in the numbers, there are starting to file more and more throughout the year. So it's gonna be interesting to see how many more cases continue to be filed until the end of the year and after that as well.

Carla Rydholm ([15:02](#)):

Right. Thanks. We'll just get us down and discuss key cases and issues that we're watching by particular practice areas and Geneva can you tell us about cases and issues involving securities COVID-19 cases?

Geneva Clark ([15:18](#)):

This is an intense time for securities law. We're seeing essentially all of the three main kinds of securities cases, securities class action on behalf of shareholders, securities derivatives issue cases and then also SEC action in relation to big fraud issues, which is not that common than the fact that there's such an upswing is very telling.

Geneva Clark ([15:46](#)):

So what we have currently in the shareholder actions, just generally, there are two kinds. You have the kind of where there's a stock and there are allegations that the directors or owners or partners in the business, exaggerated claims and or took advantage of the situation to give people the impression through press releases and our SEC filings that their stock was either going to do very well or very badly because of the current COVID situation. And this alteration led them to some kind of financial benefit.

Geneva Clark ([16:24](#)):

Often there would be a release related to say, vaccines or tests for COVID that didn't come through. And so the stock would jump and then the stock would plummet, that kind of case. And regarding the SEC involvement with fraud in particular, there's a huge case involving a half a billion dollars so far it's called the Securities Exchange Commission versus Complete Business Solutions Group where at least 1200 or so investors were enticed into making loans through this business group to small businesses throughout the country.

Geneva Clark ([17:02](#)):

And they were given the impression this was a legitimate business and a legitimate process. And instead it turns out the loans were being offered at upwards of positions of 400%, which is incredible under the circumstances. And at this point, that case which was only filed a little while ago has a dozen or more temporary restraining orders and filimentary injunctions blocking and tying up funds to prevent funds from essentially disappearing. So we're seeing quite a wide variety and some very extreme cases securities filings.

Carla Rydholm ([17:36](#)):

All Right. Thank you for those as insights. Karen can you tell us about the key COVID-19 cases and issues that you're watching in contracts.

Karen Chadwick ([17:47](#)):

Sure, Carla. Needless to say there's been a lot of disruption in business relations and also in relationships between businesses and consumers that are important in the arena of contracts. We're keeping an eye on the consumer class actions. Those are numerous. We've seen a lot of consumer class actions filed against entertainment venues, ski resorts are a crime defendant and the consumer class actions as are certain entertainment venues, such as Six Flags or Sea World.

Karen Chadwick ([18:24](#)):

And we'll be watching what's happening with those cases, whether or not those consumers will end up getting refunds or not. In addition, the class actions against colleges and universities continue to be filed as well as class actions against the airlines, are all seeking greed funds for events or trips of various things that had to be canceled due to COVID.

Karen Chadwick ([18:51](#)):

Also, we're seeing a lot of cases against banks. In fact, the top defendant in the contracts cases is Wells Fargo Bank. And all these cases arise under the CARES Act. And there are essentially two types of cases being filed against banks under the CARES Act. The first set of cases are cases brought by classes of agents

who have assisted in preparation or procurement of PPP loans and are seeking compensation under the provisions of the CARES Act from the banks.

Karen Chadwick ([19:27](#)):

The second type of cases against the banks involves businesses who have sought PPP loans, but had been unable to get them purportedly because either the banks were first servicing their own customers or for some other reason, not giving the loans on a first come first serve basis as required by the act. So there's the bank cases, the refund cases, we're starting to see an uptick in lease cases, commercial lease cases and these cases involve claims by lessors that the lessee has breached the lease and that COVID-19 does not constitute a valid excuse for nonpayment under the lease terms.

Karen Chadwick ([20:19](#)):

Finally, I know at the beginning of this webcast, Geneva mentioned that Zoom being sued. Zoom has been a popular defendant. Zoom has been sued a number of times in the contracts arena for two reasons. One Zoom bombing. And that happens when customers of Zoom are in a Zoom video chat of some sort and their screen gets hijacked and usually the hijack presents porn or some other unsavory material on the screen. And the users of Zoom are unable to leave the platform.

Karen Chadwick ([21:03](#)):

Another group of cases against Zoom in the contracts, may not involve consumers who are claiming that their privacy and security has not been protected by Zoom as required by the contractor Zoom. So all these areas are going to give us a lot of fodder in the coming months regarding what happens in the contracts arena.

Carla Rydholm ([21:27](#)):

Karen, is there a lot that you're seeing right now, [inaudible 00:21:30] if forced majeure. I see a lot of discussion in the press, I think that you are seeing already?

Karen Chadwick ([21:37](#)):

I am seeing is a force majeure and impossibility of performance arising frequently in the contracts cases. Unfortunately, not a lot has been decided in that arena, but we're going to be seeing a lot of discussions on force majeure clauses and whether or not COVID constitutes a valid means of avoiding contracts.

Carla Rydholm ([22:03](#)):

And then I know you've mentioned to me when we've been discussing contracts that there's an uptick in the commercial cases, have any courts ruled on whether it could be terminated as a result of COVID?

Karen Chadwick ([22:18](#)):

That's a great question. The first finding is one of these cases occurred in the Northern district of Georgia. And that case, the commercial lessor was seeking a declaratory judgment, whether or not the contract could be terminated as asserted by the lessee. The court held that COVID did not provide a basis for termination under the terms of the contract unless the lessee was in breach of contract. So that's the first lessor victory that I've seen.

Carla Rydholm ([22:59](#)):

All right. Thanks for sharing on cases to watch. We'll now ask Greg, what are the key COVID-19 cases and issues that you're thinking about and tracking regarding employment litigation?

Greg Brumfield ([23:13](#)):

Thank you. It's such an interesting combination of the suits that are being filed because there are so many charges or accounts that can be asserted. So I'm seeing cases that are asserted under Families First FMLA, Emergency FMLA and so on and so forth. So it's going to be interesting seeing a combination of cases going forward. And they all surround around a lot of different... Well the same fact patterns with employers, having employees that become sick and returning back to work, or you have employees that are concerned about sick employees returning back to work and then in fact becoming whistle blowers.

Greg Brumfield ([23:46](#)):

And that is not only just hospitals and their personnel it actually goes beyond just regular larger employees, midsize employees, wherever. Whoever gets contracted during the pandemic, trying to come back to work and them being concerned about them contracting it as well. So those are the cases that are just fascinating and that are continuing to need to be monitored. Also, just outside of that, again, the emergency of sick leave and emergency families expiring on December 31st, it is going to be interesting to see whether those considerations are extended by congress. So that is something I'm monitoring. And I'm looking forward to seeing what happens with that.

Carla Rydholm ([24:30](#)):

All right, thanks for these insights Greg. Rachel, what about insurance? What cases and issues are most prominent here?

Rachel Bailey ([24:39](#)):

So, as I mentioned before, business interruption consists of most of the claims and you can compare the filings as well. So like I said before, there were 692 cases filed due to COVID in the insurance practice area from January to August. 640 of those have business interruption claims which you can compare to 2019, which had 500 for the entire year. So those claims are up due to COVID. And people are looking for relief because businesses were shut down.

Rachel Bailey ([25:16](#)):

Earlier this year, in August I believe, the judicial panel for multidistrict litigation decided not to consolidate all of the business interruption cases into one single MDL. However, right now the panel is considering whether or not to have smaller MDLs per different carriers.

Rachel Bailey ([25:41](#)):

So [inaudible 00:25:42] would have one, travelers would have one. And so that's going on and I believe oral argument was last week. And so hopefully in the coming weeks, we will see whether or not these smaller MDLs are consolidated. Lastly in the insurance area outside of these business interruption claims we're seeing policy holders asking for refunds, rebates, discounts on things that were not going on.

Rachel Bailey ([26:09](#)):

So auto insurance policies and commercial general liability policies for businesses that were shut down. And so they didn't need that insurance during that time. Is that allegation there though? That's what we are seeing in the insurance practice area.

Carla Rydholm ([26:31](#)):

Thanks Rachel. Karen, can you tell us about cases to watch in torts litigation?

Karen Chadwick ([26:39](#)):

Yes. There's some interesting things happening in the torts arena. First of all, the most popular defendant in the torts vertical is Princess cruise lines. And I don't think very many people are going to be surprised by that. But behind, beyond the Princess cruise lines, other cruise lines are being sued such as Carnival and Celebrity cruise lines. All of them are being sued and by three different categories of plaintiffs.

Karen Chadwick ([27:10](#)):

On one hand, we have the plaintiff's wrongful death cases where the plaintiffs claim that as a result of the defendant cruise lines negligence. They contracted COVID and died. A second set of cases, the plaintiffs are claiming that as a result of the cruise lines negligence, they contracted COVID but they survived. They didn't die, but they may have after effects, they had pain and suffering and they're attributing that to the defendant's negligence in connection with the exposure to COVID.

Karen Chadwick ([27:48](#)):

The last group of cases, plaintiffs are claiming that as a result of the defendant's negligence, they were exposed to COVID, but they did not contract COVID. But instead they suffered severe emotional distress due to the exposure to COVID. These group of cases has essentially been dispensed with. In those cases, the claims were dismissed in 15 of the Princess cruise line cases on the basis that under Admiralty law, the zone of danger prohibits recovery for standalone emotional distress for mere exposure to diseases. So I don't think that that cause of action is going to fly anymore in the cruise line cases.

Karen Chadwick ([28:40](#)):

Another defendant who has been sued quite a lot, are the nursing homes and health care facilities. Those cases follow similar lines. They continue to be sued for wrongful death as a result of the alleged negligence of the nursing homes and healthcare facilities and handling exposure to the coronavirus. For example, in wrongful death actions against Arbor Terrace of Cascade in Georgia, those allegations contained claims that 15 residents at that nursing home alone died as a result of exposure to the coronavirus. So we're going to be watching carefully what's happening in all those nursing home cases.

Karen Chadwick ([29:30](#)):

One other interesting set of cases that I've seen in the torts module are three cases against Tyson Foods by Tyson Foods employees. Those were three wrongful death cases where the plaintiff's alleged that Tyson Foods is negligent and allowing the defendant at the plaintiffs to be exposed to the coronavirus. I think it's interesting that those torts claims can be brought in Texas because workers' compensation insurance is not mandatory in Texas. Those three cases have all now settled. However, I think that we should keep our eyes open. There will probably be more cases against Tyson in the future.

Carla Rydholm ([30:19](#)):

Thanks Karen for this personal injury torts insights. Now I would like you to do two things. First, the legal data experts joining this webcast are ready to provide answers to your questions on this presentation. Please ask questions live using the questions window. And in the end all attendees are invited to explore Lex Machina's COVID-19 cases directly from the apps through our COVID-19 Impact Analyzer App and COVID-19 Tag likewise.

Carla Rydholm ([30:51](#)):

You're encouraged to follow our COVID-19 coverage for all practice areas and various court systems through our blog in new blog posts, authored by Rachel Bailey from our panel will be published imminently. You can subscribe to the blog at lexmachina.com and also find links to the publicly available COVID-19 Impact Analyzer at that site.

Carla Rydholm ([31:17](#)):

So please do ask questions about any of the practice areas we've discussed for the practice areas we haven't touched on yet. For your reference listed here are Lex Machina's 16 practice areas, as well as the category Lex Machina has labels, are remaining federal. And just some background, in July 2020 Lex Machina, expanded coverage to all commercially relevant federal district court cases. And it is a do not fit into one of the 16 [inaudible 00:31:46] are listed as remaining federal.

Carla Rydholm ([31:47](#)):

Many of the cases caused by COVID-19 in this group are civil rights, including constitutional challenges to executive orders, voting rights, lawsuits, and non unemployment Americans with a private non unemployment Americans with disabilities act cases. So the ADA cases outside of the arena of employment.

Carla Rydholm ([32:11](#)):

Geneva, you're very involved with overseeing and really putting together the project instrument for COVID-19 cases. Can you tell us about cases and issues that the team see when reviewing those remaining federal cases.

Geneva Clark ([32:28](#)):

I'm thrilled to do so. Carla, it's been kind of an amazing experience to see the wide array of cases that fall outside of our traditional and focused verticals. And what I noted when seeing many of the cases is that they fall into two or three main groups and we'll focus on two as a divider. There's the public sector related cases. And as Carla mentioned already, some of those are constitutional law disputes involving emergency and safety roles. And we're all familiar with many of the conflicts that have arisen such as mass requirements, business closure challenges.

Geneva Clark ([33:05](#)):

And these, I view them as public sector, not nearly because of the nature of the emergency and safety rules, but also that the lawsuit defendants tend to be public sector defendants. So federal government, state government, local government and representatives and members and leaders in those governments and county officials about specific rules relating to a specific county or region.

Geneva Clark ([33:31](#)):

So we've heard about quite a few of those. Additionally, there's been even some related to travel on American Indian land and their ability to restrict forced COVID safety reasons, who travels freely. So that's one area. Further they're taking a property issues through eviction and rent issues. The limitations that were placed where people could not be evicted or did not have to pay rent temporarily. Many landowners, property owners and property managers have challenged those and often are challenging not only the people who may live in the building, but the state local, regional governments that are involved in having those rules.

Geneva Clark ([34:11](#)):

There have been limits on voting procedures and responses to whether or not there will be absentee voting options, vote by mail options, how there are votes for different things. So that's another segment. And then there are safety issues while in custody, or while they're in under threat of custody. Everything from immigration. Immigration issues that are affected by COVID with whether it's really two timeframes and cancel hearings that were not being rescheduled and therefore deadlines are missed, which directly affects immigration, child custody issues.

Geneva Clark ([34:46](#)):

Police interaction has multiple facets. Are police interacting safely with the public, not wearing masks or are using tear gas, which increases the risk of COVID and safety while people are in any way enclosed or incarcerated or managed by the government. So jail prisoners rights. And then also access to information in public venues, for example, access to public debates. One thing that was surprising is that you see cases where county officials have begun to discuss everything online. And sometimes these debates are actually happening in Twitter feeds.

Geneva Clark ([35:19](#)):

So there's a surprising number of conflict saying that everyone should be able to access everyone else's Twitter feed. You shouldn't be able to block Twitter feed, which I found to be very interesting as a concept. And also part of the natural flow of what happens when you have this unusual circumstance where people are communicating online and more indirectly.

Geneva Clark ([35:38](#)):

Then with some of the private sector cases, Carla mentioned the disabilities act cases, and some of those are against private businesses where it's about a website for sales or for access to information or access to goods that are safety related. And they may or may not be ADA friendly websites and that's common and also ADA access rather in person. So can you go into a business with a health issues or with limitations and is your disability accommodated.

Geneva Clark ([36:10](#)):

And there are also state or local claims that would fall outside of contracts or insurance, but they are due to the nature of the employers or the businesses being challenged and also employment. Well, things that are unusual, the counts are a little bit different. So those are contained where there are COVID related contracts that are not within our contracts protocol, but our contract related claims, insurance claims is again, a dispute between individuals rather than businesses, those are continuing. Some employment law claims and also banking refusing to play on a personal protection plan or other CARES Act provisions and that's another area.

Carla Rydholm ([36:57](#)):

[inaudible 00:36:57] watching for. Thank you, Geneva. What I'll do now is we'll look... This is the same slide that we presented earlier with the 16 practice areas with total cases. Just [inaudible 00:37:10] audience. And then we'll turn to questions. We have six or seven minutes left as part of this scheduled webcast. So we'll turn to the a lot questions that have come through. And just one last reminder about available COVID-19 resources, some [inaudible 00:37:29] and then a prompt refer to refer your inquiries, subscribing to Lex Machina to sales@lexmachina.com. And so with that, and thank you for your time and [inaudible 00:37:44] about the presentation.

Carla Rydholm ([37:46](#)):

But now we'll go to some of the questions that have come in and I'll make sure that I've seen all of the latest questions and there are quite a number. Let's see, are there COVID contracts cases being filed in any particular jurisdictions? I think Karen, this one's for you.

Karen Chadwick ([38:05](#)):

Thanks, Carla. That's an excellent question. I've looked at where the contracts cases are being filed and about 10% of the cases are being filed in New York and another 10% in California. But this is pretty normal and it parallels what is happening in general with all contract cases. So nothing special with jurisdictionally is happening with the COVID cases.

Carla Rydholm ([38:32](#)):

Okay. Thanks, Karen. And then it sounds like you're keeping an eye on multiple districts and what's happening with the cases pending all over the country right now. What about bankruptcy cases? Why are there so few? Perhaps maybe I can tag team on this. I will first just mention that Lex Machina's COVID-19 tag covers civil cases filed in federal district court. And so the bankruptcy cases in this dataset are either [inaudible 00:39:04] in or related to a pending bankruptcy courts matter.

Carla Rydholm ([39:08](#)):

And so cases appeals from bankruptcy court are adjourned from bankruptcy court. So Rachel what are your thoughts on what we're seeing so far in the district court bankruptcy?

Rachel Bailey ([39:24](#)):

Well, there are zero cases so far caused by COVID or is actually COVID-

Carla Rydholm ([39:30](#)):

[inaudible 00:39:30] pardon me. Bankruptcy has two cases caused by COVID. And these were... I think they are CARES Act cases involving related debtors that were challenging the constitutionality of certain exceptions to the CARES Act related to bankruptcy. Tax is the practice area where so far Lex Machina has zero cases in the federal district court. And we expect to see more tax cases as the disputes in district court, liability tax preparation and whatnot. So Rachel right now, and I apologize. I can go back to that slide that shows two cases in bankruptcy and then zero in tax. What's going on. Do you think they are...

Rachel Bailey ([40:16](#)):

Oh, you're right. I was confused. I was thinking of tax. Our bankruptcy cases are... We've got two of them so far. And let me see, one is in the middle district of Florida and the other one is in the district of Alaska. And both of these ended with permanent injunctions against the government in favor of the debtors.

Carla Rydholm ([40:43](#)):

Right. And Rachel [inaudible 00:40:45] are very involved with our blog and really has a big picture of what's going on all the different stories. But it is a little unfair to hit you with that question, Rachel, because I know, you think most often about IP in terms of being our legal data expert for other practice areas. But the question came in. So I thought I would ask it we have time for a few more questions.

Carla Rydholm ([41:07](#)):

So there's a question. Is there a trend in privacy? Who is up for commenting on privacy? We heard a little bit about privacy related to Zoom. Anything else come to mind? Those Twitter feed access.

Geneva Clark ([41:27](#)):

I'll speak a little on this. We don't track privacy like... We're coming out with data breach. So we're excited for that. We're researching data breach right now. And so you will be able to look up those cases in COVID-19 soon. We do have several consumer protection type privacy cases. So things like people getting robo calls that are claiming to cure COVID and filing TCPA claims about that or Fair Debt Collection Practices Act claims where people are calling about debt. And obviously right now there's laws about debt being put on hold and are they following those laws? And so there's a lot of confusion around that and cases being filed about those types of things.

Carla Rydholm ([42:22](#)):

So you mentioned a number of cases that Lex Machina knows about and follows and describes related to consumer protection. And then, as you mentioned, data breach is another portion of that, that Lex Machina will release soon. Any other takers on commenting with regards to privacy? We're familiar with the Zoom claims. So that's a big one and very prominent. Let's go with one more question. Regarding any [inaudible 00:42:58] certification, what issues have you seen and they're related to COVID-19? So Geneva, I think you've got 30 seconds.

Geneva Clark ([43:07](#)):

Okay. But this is a great one for 30 seconds because of there are only about a dozen antitrust cases, which sounds like a small number, but they're huge issues because they go directly to the consolidation and grouping of meat, dairy, and poultry markets and also food delivery. And there's a lot of discussion about price fixing and price gouging in those areas. And there's talk of actually... Currently most of the actions are by grocers and restaurants, but there's talk about the state's Attorney General getting involved, which will make these cases much bigger and also DOJ.

Geneva Clark ([43:40](#)):

So the potential to reframe the future of huge industries related to the outcomes of these cases is tremendous, regardless of what happens with the COVID situation, although these cases are initiated in and through the COVID situation.

Carla Rydholm ([44:02](#)):

All right. Thank you, Geneva. And thank you to each of the panelists Greg, Karen, Rachel, and Geneva for sharing your insights. And thank you so much to those of you who could join us today. As members of the audience, if we didn't get to a question that you asked live, we'll follow up by email and stay tuned, subscribe to our blog and to follow along as we describe trends that we're seeing with COVID-19 litigation. Thank you so much.