



BELL NUNNALLY'S HEATH CHEEK, BRENT HOCKADAY AND KATIE BEAIRD TALK TX PANDEMIC LIABILITY PROTECTION ACT ON TEXAS LAWYER

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Bell Nunnally partners R. Heath Cheek and Brent D. Hockaday and Associate Katie R. Beaird are quoted in the *Texas Lawyer* article "Texas' New Pandemic Liability Protection Act: What Attorneys, Plaintiffs and Defendants Need to Know." The piece explores the Pandemic Liability Protection Act (PLPA), signed in mid-June by Texas Governor Greg Abbott and providing a partial liability shield for businesses against COVID-19 claims, in place until the current state pandemic disaster declaration is terminated.

Explored is the high-bar in place for a worker to prove that they contracted COVID-19 in the workplace:

"Practically, the 'reliable scientific evidence' will be required in an expert report (i.e., from a medical doctor, infectious disease expert or epidemiologist) that provides the factual and scientific basis for the claim that the business' alleged failure caused the plaintiff to contract COVID-19," the attorneys said.

"Plaintiffs must file these reports quickly because the court must dismiss the lawsuit upon request and award the defendant its attorneys' fees and costs if the plaintiff does not file the report within 120 days of filing suit," recommended the attorneys. "So we should expect to see a wave of motions for summary judgment in the next 3-4 months once these reports are due under the statute."

Cheek, Hockaday and Beaird then offer sample questions attorneys be ready to answer for a potential clients when considering the PLPA. They conclude by stressing the need to not view the PLPA as a full shield from any COVID-19 liability, emphasizing that the changing nature of the pandemic and related local health and business restrictions requires constant vigilance from employers to keep in compliance and reduce risk.

To read the full article, please click [here](#).

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