

OREGON TRIAL LAWYERS ASSOCIATION

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Roughly forty Covid-related lawsuits have been filed in Oregon.

- Almost 25% are suits filed by businesses against the state over the imposition of restrictions on businesses and the related safety requirements.
- There are a number of suits brought by businesses against their insurers for failure to pay claims on business interruption insurance policies.
- We are also aware of a number of complaints by workers about unsafe working conditions, coercion to work in unsafe settings, and whistleblower retaliation. To date, only about a half dozen of these have resulted in lawsuits.
- The state has brought three consumer protection suits – two related to price-gouging on masks and one related to the sale of unproven medicine.
- Litigation related to Covid exposure has been limited to suits against long-term care facilities and the Department of Corrections.
- Employees' sole remedy for exposure by their employer is workers' compensation. Hundreds of claims have been filed. One worker has filed suit against the owner of a construction site (not his employer) because the sub-contractor responsible for testing workers for Covid falsified the results.
- Outside of long-term care, we are not aware of any Oregon cases in which a consumer is alleging that business negligence caused exposure to Covid. Nationally, cruise line customers are litigating against those companies. A number of those cases have been thrown out since the victims cannot prove the cruise line was the cause of their exposure.

Several states that immunized businesses early in the pandemic are now either seeking to roll back the immunity, or are letting Executive Orders related to immunity lapse.