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Client Bulletin



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Ohio House Bill 606 Provides Qualified Immunity, but Lawsuits Still Possible

Ohio joined a number of states in passing temporary legislation, in this case effective for the period of time between March 9, 2020 through September 30, 2021, relating to COVID-19. Given the way workers' compensation operates, the practical effect of HB 606 will relate more to claims that may be brought by customers. In particular:

(A) No civil action for damages for injury, death, or loss to person or property shall be brought against any person if the cause of action on which the civil action is based, in whole or in part, is that the injury, death, or loss to person or property is caused by the exposure to, or the transmission or contraction of, MERS-CoV, SARS-CoV, or SARS-CoV-2, or any mutation thereof, unless it is established that the exposure to, or the transmission or contraction of, any of those viruses or mutations was by reckless conduct or intentional misconduct or willful or wanton misconduct on the part of the person against whom the action is brought.

(B) A government order, recommendation, or guideline shall neither create nor be construed as creating a duty of care upon any person that may be enforced in a cause of action or that may create a new cause of action or substantive legal right against any person with respect to the matters contained in the government order, recommendation, or guideline. A presumption exists that any such government order, recommendation, or guideline is not admissible as evidence that a duty of care, a new cause of action, or a substantive legal right has been established.

The statute does not objectively define the exception for "reckless conduct," etc. except with another subjective term - "heedless indifference" - which is to say that will be a fact-based determination left to judges and juries. Check with your trade associations and local health department on safety protocols as we move into cold and flu season.

Extension of Foreclosure Moratoriums

Five federal agencies have extended their moratorium and suspension of foreclosures on their single-family home direct mortgages and insured (backed) mortgages through December 31, 2020. Those agencies are Housing and Urban Development (HUD), Veterans Administration (VA), U.S. Department of Agriculture (USDA), Federal National Mortgage Association (Fannie Mae) and Federal Home Loan Mortgage Corporation (Freddie Mac). The sixty-day foreclosure moratorium for "federally backed mortgage loans" of the CARES Act expired on May 18, 2020.

Credit Monitoring

Job loss, COVID-19 scams and many Americans struggling to pay their bills in general has led to an increasing number of Americans monitoring their credit. Whether you are worried about identity theft or reporting errors, you can keep a no-cost vigilant eye on your credit report as all three national credit reporting agencies are offering free weekly credit reports to consumers through April 2021, and anyone is eligible. Under federal law, credit reporting agencies are required to give a free annual report to consumers; this program is just added security during these difficult times.

UnBanquet in the Barn

For many non-profits, 2020 has proven to be debilitating to revenue. The historic Barn at Stratford is no exception. In an effort to remain self-sustaining, the Delaware County Historical Society has gotten creative with respect to their annual Banquet at the Barn fundraiser. This year's event will be one for the books, and the firm is proud to be a sponsor. The UnBanquet is a virtual fundraiser to help support the Delaware County Historical Society. This event will be held via Zoom and will include live and recorded segments. Live segments will feature an emcee and an auctioneer. Recorded events include historic reenactments regarding notable Delaware County residents who are buried at Oak Grove Cemetery. A live/silent auction will be held with items available for bidding. Items will be listed by Colin Howard on howardauctions.com and will be available for bidding five days prior to the UnBanquet. Sponsors of the event, such as the law firm, will be a part of the limited live audience. The event will be held Friday, November 6, 2020 at 7 p.m. Registrants will receive a discount on takeout from Donatos Pizza or J. Gumbo's.

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Cole Wecker Reigns as King

Once again, a Wecker was crowned at the Delaware County Junior Fair. This year it was Cole Wecker, son of attorney Andrew Wecker and his wife Kendra, who was crowned king. Cole is a senior at Big Walnut High School and his queen, Skyelar Rock, is a freshman at The Ohio State University Agricultural Technical Institute. Cole is not the only Wecker to have been nominated and crowned over the past few years - big sister Madelyn served as queen in 2015 and two of his three brothers have served as princes. The Weckers belong to the Kountry Kids 4-H Club in Porter Township, and between the Hartford and Delaware fairs have chicken, lamb and rabbit projects.

Cole also won Showman of Showmen in 2019, just as Madelyn was Showman of Showmen in 2016. A starting right offensive tackle on his football team, Cole was also voted by his classmates to be this year's homecoming king at Big Walnut.

The process of becoming fair king was a little different this year due to COVID-19. Applicants were nominated by their 4-H club, filed an application and interviewed with a panel of judges. Cole is quoted as saying "I'm representing the 4-H community. I am representing my fair, my club and my community. That feels good."

Congratulations, Cole!

Congratulations

Congratulations to Ohio Power Tool, Inc. and Wolfrum Roofing & Exteriors for being honored in a Business First virtual event on October 20, 2020 for their inclusion in Business First's The Fast Fifty, the list of the Central Ohio region's fastest-growing private companies (percentage increase in gross revenue over the previous calendar year).

Also, congratulations are in order to the Delaware County Foundation (DCF), which was listed, for 2020, at #21 in Business First's largest central Ohio foundations by the total dollar amount of grants made per 2018 IRS forms 990 and 990-PF. DCF made approximately \$889,000 in grants in 2018 and had \$13,160,380 in assets as of December 31, 2018. DCF was created in January 1995 with an initial gift from the late Peter J. Manos and his family.

This bulletin provides general information and is not legal advice. Please contact us if you need legal advice.

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