

COVID-19 Liability Protection & Coverage

Insurance Law



Webcast

Date: Friday, November 27, 2020 | 1:00 pm to 3:00 pm EST

Location: Zoom webinar

Agenda: 1:00 pm Registration
3:00 pm Program concludes

This program contains:
2h 00m of Substantive Content

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In response to the growing litigation brought about by the pandemic, several jurisdictions have enacted liability protection legislation. Ontario's Bill 218, *Supporting Ontario's Recovery and Municipal Elections Act, 2020*, was recently introduced and includes provisions which limit liability for the spread of COVID-19 to those who engage in gross negligence, and protects those who acted in good faith to comply with public health guidance relating to COVID-19. Join our experienced faculty as they discuss what the gross negligence requirement means in the context of COVID-19 claims in Ontario. Our panelists will also examine what other jurisdictions, including Quebec and British Columbia, have done in this regard and compare and contrast their situation in light of Ontario's legislation. Gain guidance and insight on whether this legislation will impact insurance policy exclusions once it has been passed.

Join our panel of experts for a timely discussion tackling these thought provoking issues.

Program Chairs: **Lawrence Conmigo**, Director of Claims, Intact Insurance (Frank Cowan)
Brian Monteiro

Speakers: **Samantha Ip**, Clark Wilson LLP (BC)
John A. Olah, Beard Winter LLP
Adam Little, Oatley Vigmond LLP
Peter Esfandiari, Conte Jaswal LLP
Satinder Sidhu, Clark Wilson LLP (BC)
Dominic Boisvert, Lavery LLP (Quebec)
Monica Pathak, TD Insurance
Mylène Côté, Everest Insurance Company of Canada (Quebec)

1:00 pm Welcome and Opening Remarks

1:05 pm Litigators' Perspectives (Plaintiff/Defence)

John A. Olah, Beard Winter LLP
Adam Little, Oatley Vigmond LLP
Peter Esfandiari, Conte Jaswal LLP
Monica Pathak, TD Insurance

- Defining "gross negligence," "good faith" and "vicarious liability" within the legislation. What do they all mean?
- Plaintiff & defence perspectives on the impact of the proposed Ontario legislation on present and future COVID-19 litigation

1:50 pm Cross-Jurisdictional Perspective

Satinder Sidhu, Clark Wilson LLP (BC)
Dominic Boisvert, Lavery LLP (Quebec)

- Discuss BC legislative initiatives and its impact on potential/present COVID litigation.
- Discussion of the impact of the civil law system on COVID-19 litigation in Quebec, including a discussion of how the "good faith" principle in Quebec's Civil Law applies in the context of a pandemic?

2:20 pm Coverage Considerations

Samantha Ip, Clark Wilson LLP (BC)
Mylène Côté, Everest Insurance Company of Canada (Quebec)

- Coverage issues considering these new and amended standards of negligence.
 - Could it trigger exclusionary language in the policies?
 - What should insurers/insureds be alert to in reviewing, drafting and negotiating policies of insurance in the COVID-19 context?

3:00 pm Program Concludes

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Questions? pd@oba.org