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REBOOTING YOUR BUSINESS IN SAFE  
MODE VOL. 6 – JUNE 16, 2020



- ▶ Four Risk Categories
- ▶ Preparedness Response Plan
- ▶ Cautious Objector
- ▶ Close vs. Incidental Contact
- ▶ Operational Controls
- ▶ Enhanced Enforcement
- ▶ New Openings
- ▶ Common Misconceptions
- ▶ Legal Developments

TOPICS REVIEWED MAY 12 – JUNE 9, 2020

- ▶ Updates – Limited Activity
- ▶ Evictions and Courts back in action
- ▶ New Openings
- ▶ Court Decisions



TOPICS FOR WEEK 6 – JUNE 16, 2020

## ▶ Governor's Executive Orders

- ▶ EO 36 – Work Policies
- ▶ EO 76 – Unemployment
- ▶ EO 114 – Health and Safety Measures
- ▶ EO 115– Open/Close Order
- ▶ EO 120 – Sports and Camps Open
- ▶ EO 122 – Lawsuits Tolling Ends
- ▶ OSHA Guidance 3990-03 2020

## ▶ Legal Authorities

- ▶ Family Medical Leave Act
- ▶ Families First Coronavirus Relief Act
- ▶ Michigan Paid Medical Leave Act

RELEVANT AUTHORITIES

- ▶ Residential, Travel and Troop Camps Open
- ▶ Reopening of Courts and Evictions
  - ▶ Moratorium on evictions lifted
  - ▶ Lawsuit tolling ends
  - ▶ Courts moving toward normalcy
- ▶ Sports activities resume
- ▶ Unfortunate few: EO 2020-110 ¶12



# STATUS OF REOPENING'S THIS WEEK



### ▶ Associated Builders Case

- ▶ EO 114 (prev. 97) Imposes MIOSHA criminal felony penalties
- ▶ EO Statutes permit only \$500 and Misdemeanor charges (90 days)
- ▶ Governor and AG argue general powers; ignore statutes
- ▶ Court of Claims rules for AB; Strikes criminal penalties

### ▶ Signature Sotheby's Case

- ▶ Several businesses suing under Equal Protection, other theories
- ▶ DOJ has issued Statement of Interest – three weeks ago
- ▶ Are the distinctions “arbitrary and irrational”?
- ▶ Governor filed 56 Page Motion To Dismiss – June 5

### ▶ SOUTH BAY UNITED PENTECOSTAL CHURCH v. NEWSOM

- ▶ 25% Occupancy applied to churches but not host of others (S Ct. 5-4)

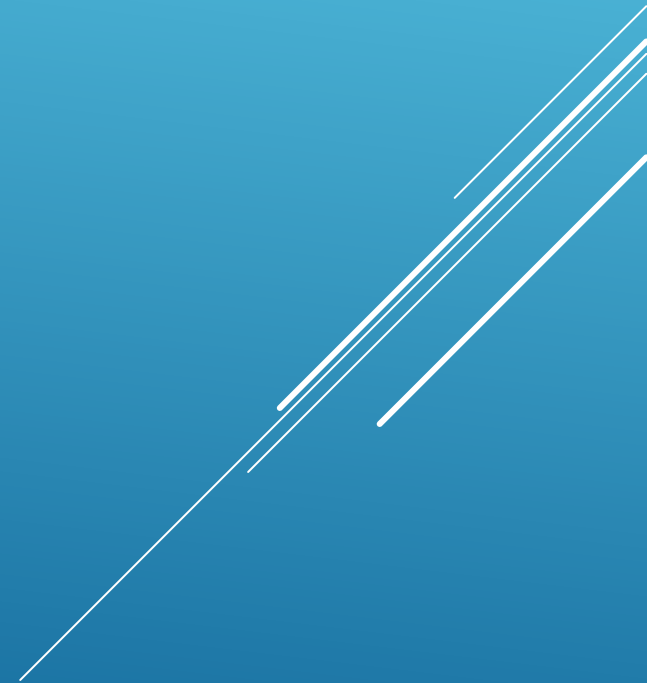
# RECENT LEGAL DECISIONS



- ▶ Employee and Customer Legal Claims
- ▶ Regulatory Overload/Concerns
  - ▶ MIOSHA, others may follow excesses
- ▶ Inevitable Legal Conflicts
  - ▶ Orders will conflict with reality
  - ▶ Orders will conflict with other laws

# HIDDEN LEGAL PERILS

- ▶ Legal Presentations are Completed
- ▶ Updates will be Highlighted
- ▶ Your Turn Next Week! Interaction and Learning from one another





- ▶ Employment Law
- ▶ Real Estate
- ▶ Business and Commercial
- ▶ Personal Injury (Dan)
- ▶ Estate Planning and Probate
- ▶ Intellectual property
- ▶ Litigation in these disciplines



LAMBERT LAW LEGAL SERVICES

- ▶ Governor Whitmer Executive Order Page
  - ▶ [https://www.michigan.gov/whitmer/0,9309,7-387-90499\\_90705---,00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705---,00.html)
- ▶ OSHA Guidance <https://www.osha.gov/Publications/OSHA3990.pdf>
- ▶ HIPAA <https://www.cdc.gov/phlp/publications/topic/hipaa.html>
- ▶ MI OSHA [https://www.michigan.gov/leo/0,5863,7-336-78421\\_11407---,00.html](https://www.michigan.gov/leo/0,5863,7-336-78421_11407---,00.html)
- ▶ Family and Medical Leave Act

<https://www.opm.gov/policy-data-oversight/pay-leave/leave-administration/fact-sheets/family-and-medical-leave/>

## CITED AUTHORITIES



# THANK YOU!

*We appreciate this opportunity to explore the legal challenges of meeting the reopening requirements in real time. Thank you for your attention to our presentations. We thank Alaina, Maggie and the Greater Rochester Chamber of Commerce for this opportunity. We'll see you next week during the last entry of this series.*