

## COVID-19 Legal Services

The evolving COVID-19 pandemic and economic fallout require accurate assessment of unfolding risks, as well as agility and creativity in formulating strategic responses that will protect you and your business. Williams & Connolly has a proud tradition of offering innovative solutions to clients during times of disquiet and transition. The cross-disciplinary approach we bring to every engagement is perfectly suited to identifying and anticipating risks related to COVID-19—and developing solutions—across subject areas.

Our lawyers have been working closely with clients across the country and around the globe to identify, navigate, and resolve complex business and legal issues arising out of the coronavirus epidemic. We are prepared to assist clients in the following areas:

### Antitrust

- Assessing and responding to up-to-the-moment regulatory guidance specific to the COVID-19 pandemic
- Defending government investigations and claims by governments or consumers relating to, for example, increased costs or supply chain shortages

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### Bankruptcy

- Handling a wide range of commercial litigation that arises in bankruptcy adversary proceedings, as corporate bankruptcy filings are expected to rise steeply
- Defending outside advisors such as accounting firms, law firms, and financial professionals against debtor and trustee allegations that they contributed to business failures or corporate collapse
- Evaluating the potential for preference and fraudulent transfer claims that may be pursued by counterparties who enter bankruptcy
- Litigating early stage bankruptcy issues such as substantive consolidation
- Responding to Rule 2004 discovery requests

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### Commercial Disputes

- Advising clients and litigating *Force Majeure*, civil authority, frustration of purpose, and other defenses to performance
- Assessing and advising on the risk of litigation in transaction-related disputes, including claims of material adverse change, material adverse events, failures of conditions precedent, and breaches of representations and warranties and defending or pursuing such claims

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### Congressional, Federal & State Investigations, False Claims Act (FCA) & White Collar

- Protecting government suppliers and vendors against allegations of price gouging and misrepresentations regarding the quality or quantity of available products
- Representing individuals and institutions in congressional, state attorney general and other government investigations relating to COVID-19
- Monitoring and assessing in real time the guidance issued by the Department of Justice Coronavirus Task Force and other federal and state agencies
- Advising clients on the impact of Department of Health and Human Services (HHS) and other governmental guidance related to hoarding and price gouging

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## Directors & Officers (D&O) Liability

- Protecting boards and management against claims relating to their risk assessment and protection of their companies against virus-related tort and contract claims, business interruption, and supply chain/customer concentration
- Defending directors and officers in litigation and investigations related to disclosure of risks related to these issues and insider trading allegations

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## Employment

- Identifying risk related to federal, state, and local wage and hour laws in connection with remote work
- Advising as to compliance with discrimination laws, Family & Medical Leave Act (FMLA), WARN, Family First Coronavirus Response Act (FFCRA), and other state or local requirements related to the reorganization of employees and defending claims brought by employees under these provisions
- Anticipating and mitigating potential COVID-19 exposure risk under existing and evolving statutory and regulatory guidance, including prohibitions against discrimination and affirmative obligations for accommodation

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## Federal Programs and Government Contracts

- Interpreting guidance issued by government agencies that impacts contractors
- Advising contractors on issues arising under the Defense Production Act and the CARES Act
- Advising contractors on potential protests in connection with pandemic-related contracting opportunities
- Representing contractors in disputes with government agencies and contracting partners arising from pandemic-related work, business disruptions, and participation in government programs

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## Financial Services & Banking

- Protecting clients against disclosure-related claims by purchasers of MBS or securities backed by consumer or auto loans, including claims relating to loan servicing and origination
- Protecting against borrower and government claims of unfair lending or collection practices
- Monitoring and assessing the impact of regulatory pronouncements related to COVID-19 in the financial sector
- Representing banks and other financial institutions in congressional and other government investigations relating to COVID-19

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## International Disputes

- Representing clients in potential or actual international litigation over issues such as supply chain disruptions, cancelled or delayed transactions or investments, and busted mergers and acquisitions

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## Mass Tort & Class Actions

- Advising clients involved in responding directly to COVID-19 pandemic, including PPE-providers and vaccine developers
- Defending against claims of price gouging, consumer fraud, or personal injury relating to products or services in demand in responding to COVID-19
- Defending against financial services claims related to loans issued pursuant to CARES
- Advising and defending against claims regarding imposition of recurring fees on consumers during pandemic
- Assessing and responding to claims that healthcare suppliers, pharmacies, or others are responsible for shortages of PPE and other critical equipment or treatments

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## Real Estate Disputes

- Assessing and advising on the enforceability of lease, loan and purchase agreements involving commercial and residential developments impacted by COVID-19
- Advising clients and litigating condemnation, *Force Majeure*, civil authority, frustration of purpose, and other defenses to performance under commercial lease and loan arrangements

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## Securities Litigation and Enforcement

- Anticipating risks and defending against claims related to disclosures surrounding disruption of supply chains, work force, and critical resources

- Identifying developments in and advising and defending against claims involving the regulation of financial statements and accounting related to the COVID-19 pandemic, including SOX 302 and other issues relating to valuation and impairment of assets and liabilities
- Defending companies in stock drop cases associated with the impacts of COVID-19

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