

Megan: We know some environments are more prone to Coronavirus outbreaks including cruise ships, nursing homes, and if you can track in COVID-19 in one of those areas because of inadequate measures to prevent or contain the spread, you might have a lawsuit on your hands this morning. Attorney Charles Gilman with Gilman and Bedigian, LLC is joining us live via Skype with some guidance. Good morning. Thanks for joining us.

Charles Gilman: Thank you, Megan, nice to be with you

Megan: So I can at least see you and we're so glad you're able to join us. If people are dealing with this, what legal remedies are available?

Gilman: Well, it's going to be very questionable. There's a lot up in the air right now. In a nursing home, which is a good example, typically when you have a nursing home case, you have to apply the reasonable person's standard of care to determine whether or not the negligence occurred or the nursing home did something wrong.

Now we're dealing with a pandemic that is brand new, something we've never dealt with on a scale like this before, so we have to, as lawyers and as a legal community, figure out what the reasonable person should have done or could have done under the circumstances to determine if there's going to be a negligence case that arises out of the care of your loved one in a nursing home.

Megan: Let me ask you this as well, Charles, because you know, looking at what's happening right now, my question is, is there a time allotment for, for actually filing the suit? We know that right now nursing home facilities are looking for protection from COVID-19 lawsuits for inadequate care. Do you need to follow your lawsuit now before that happens or is it all the same? If that happens?

Gilman: Well, regardless of whether you file your lawsuit today or within the statute of limitations, which is three years in Maryland, if the legislature enacts some sort of law that protects or grants immunity to the nursing home, quite frankly, I don't think it's going to matter when you file the lawsuit. It's going to be dismissed based on that new law.

Megan: Right what do you think will happen? Do you think that nursing homes, you know, will not be liable for some of these? Or what, what do you see looking into your crystal ball?

Gilman: I think it's going to be very interesting. I think the cruise ships that, for example, that took off later after COVID-19 was a risk and they already had ships at sea dealing with it - maybe that wasn't reasonable. But nursing homes, again, if you had an infection in the nursing home and the ability to control it by moving one or two patients and you failed to do so, there may be a claim there. Because of the incubation period and the fact that nobody knew there was COVID-19 in the nursing home, if that's how it's spread, there may not be a liability there. Just like everything that everybody's dealing with daily, it's all-new. We're going to have to figure it out as we go along.

Megan: All right, Charles Gilman thanks for weighing in this morning. We appreciate it. Glad you're well.

Gilman: Thank you. You too, Megan. Had a nice day.  
Megan: You too.