

# Know Your Limits

presented by Winters-Oliver Insurance Agency

Your Monthly Wrap-up of **Mid-market Business Losses**

October 2022

## Baylor Wins \$48.5 Million in Property Damage Lawsuit

Property

A Texas jury awarded Baylor College of Medicine \$48.5 million after finding that losses incurred by the medical school in the early phases of the COVID-19 pandemic should have been covered by its property insurance. As COVID-19 rapidly spread in 2020 and lockdowns and other restrictions were implemented, the medical school stayed open to treat patients and research virus treatments and vaccines. As a result, it incurred losses from buying personal protective equipment, cleaning and disinfecting facilities and equipment, and covering uncommon expenses. After filing an insurance claim in April 2020, the underwriters argued that the virus couldn't cause property damage because it can be wiped off with disinfectant and doesn't cause tangible or structural damage. However, the school's lawyers successfully argued that the physical presence of the virus on Baylor's property caused the extra expenses and loss of income.

## Wells Fargo to Pay \$22 Million in Whistleblower Retaliation Case

Employment Practices

OSHA found Wells Fargo to be in violation of the whistleblower protection laws—which protect employees from retaliation for reporting workplace violations—when the bank improperly terminated a Chicago area-based senior manager. The employee, who was terminated after repeatedly voicing concerns regarding conduct they believed violated relevant financial laws, alleged they were directed to falsify customer information and engage in price fixing and interest rate collusion through exclusive dealing. As a result, the U.S. Department of Labor has ordered Wells Fargo to pay the employee more than \$22 million to cover back wages, interest, lost bonuses and benefits, front pay and compensatory damages.

## Judge Orders Title Company to Pay \$43.5 Million in Unpaid Employee Overtime

Wage and Hour

A California judge approved a \$43.5 million class-action judgment against a Miami-based title company after it failed to pay nearly 400 of its California employees overtime wages. The company incorrectly classified employees as exempt as a way to avoid paying overtime. The workers were owed roughly \$22 million in unpaid overtime wages and \$21 million in interest.

## Federal Jury Awards \$100 Million in Stun Gun Lawsuit

Liability

An Atlanta, Georgia, jury has awarded a panhandler \$100 million after he fell and broke his neck due to a police officer using a stun gun on him during a foot chase. The lawsuit alleged that the officer used unreasonable force on the 65-year-old man, who is now paralyzed from the neck down. The jury found that the Atlanta Police Department should pay \$60 million and the officer should pay \$40 million.