



5 GUIDELINES COURTS WILL USE TO DECIDE FORCE MAJEURE CLAIMS IN COVID-19 CASES

Publications

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May 2020 – [Marco Quazzo](#), a shareholder of Bartko Bunzel & Miller, has published an article in the San Francisco and Los Angeles Daily Journal analyzing how courts faced with Covid-19 litigation will apply force majeure provisions and related doctrines in commercial contracts, leases, and employment agreements. COVID-19 litigation is coming soon to a courthouse near you. Litigants will disagree over whether the pandemic is a valid basis for terminating contracts, withholding rent from landlords, extending the time to perform contracts, and the like. Under what circumstances will courts release parties from their contractual obligations based on force majeure? Court precedents from historical force majeure events (e.g., 9/11, the World Wars, Prohibition, and the 1918 Spanish influenza) provide a partial roadmap of how today's courts will address force majeure arguments in the context of COVID-19 litigation. [View the pdf article.](#)

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