

# WILL SUMMER CAMPS AND PRE-SCHOOLS BE A TARGET?

Michael Aylward  
Morrison Mahoney LLP



# Summer Camp USA

- 12,000 day and overnight camps in the United States
- 14 million children go to a summer camp.
- Formula for COVID-19 liability claims?



# Summer Camps May Be A Likely Target

- Children in close contact with each other
- From diverse communities
- Difficult to maintain social distancing
- Causation may be easier to prove given prolonged exposures than in cases involving retail or premises liability.

# Summer Camps Were An Early Area of Concern

- New York and New Jersey refused to allow them to open
- CDC issued guidelines for camps in May 2020
  - “Bubbles”
  - Social Distancing
  - Masking “where feasible”
- Many camps also required 14 day quarantine beforehand

# Despite Precautions, Outbreaks Occurred

- Arkansas
- Florida
- Georgia
- Michigan
- Missouri
- Oregon
- Texas



# Georgia Camp Outbreak: 600 Cases Positive

- Centers for Disease Control investigation concluded:
- **The SARS COVID-2 spread quickly in this youth-centric overnight setting resulting in high attack rates among persons in all age groups despite efforts by camp officials to implement most recommended strategies to prevent transmission.**

# Summer Camp Litigation

- Despite these outbreaks, no BI suits have been filed to date.
- So far, the only suits involving summer camps are
  - Suits by parents seeking refunds.
  - Suits by camps against state governments to rescind shut down orders.



# Will There Be Bodily Injury Suits?

- Apart from issues of causation
- Children are less susceptible to the virus
- Can plaintiffs show that camps failed to follow appropriate standards if they adopted the CDC recommendations?
- Waiver forms may be a defense, also.



# Will These Camps Be Super spreaders?

- The real liability risk may arise only if children who were sent home after outbreaks transmit the virus to their households and from there into the various communities where they live.
- If dozens of claims are presented arising out of a COVID-19 outbreak at a camp, will they all involve a single “occurrence” policy limit?