

**Testimony of Stephen G. Rosentel, President of Leahy's Fuels  
Judiciary Committee  
March 22, 2021  
10:00am**

My name is Stephen G. Rosentel. I am President of Leahy's Fuels, a residential and commercial heating fuel supplier in Danbury CT now celebrating our 104<sup>th</sup> year in business.

Thank you for the opportunity to share my views.

I am here in support of:

**Committee Bill No. 5125**

**AN ACT CONCERNING THE PROVISION OF IMMUNITY FROM CIVIL LIABILITY FOR ENTITIES THAT HAVE OPERATED PURSUANT TO HEALTH AND SAFETY GUIDELINES DURING THE COVID-19 PANDEMIC.**

**The 1<sup>st</sup> reason is that it will promote public health and safety!**

Over the past year, on a few occasions, one of my service techs had been exposed from a member of their family to COVID or became symptomatic and subsequently tested positive. We always have been calling the customers that were recently visited to inform them. Each time the customer confirmed that my tech was wearing a mask and gloves, maintaining social distancing and following the protocols. So far, no customers have alleged we caused anyone in their home to get COVID. Other service-oriented businesses like mine may not be doing the same because in the back of my mind, I know that I am putting my company at risk of a lawsuit that my insurance policies will not defend. Imagine how more contact-tracing will benefit our state in this never-ending battle against COVID-19. I have received a notice from my insurance company that specifically excludes COVID coverage from both my general liability and umbrella policies.

On a personal note, I am a resident of an over 55 condominium complex, Newtown Woods. Our clubhouse and pool have been closed for over a year. A major factor in making the decision by the Board was the lack of insurance protection against COVID claims to protect the assets of the HOA, as well as those of the volunteer board members. Many of our residents are widows or widowers, living alone, suffering from the isolation that comes from not seeing their families but also their neighbors who many would see at the clubhouse a few times a week. This bill

would expedite the reopening of facilities like this while still using facemasks and following other protocols.

**The 2<sup>nd</sup> reason is to protect the small businesses that could easily be put out of business if they were hit by just a few lawsuits.** We live in an increasingly litigious society. Small businesses like mine count on our insurance coverage to protect us. There is no coverage available at this time for COVID. I have seen defense costs against claims go into tens of thousands of dollars or more, even when we did nothing wrong. Some cases are now funded by deep-pocketed investment firms. We are all victims to some degree of what I call “justice-by-extortion”. We all pay more for every product and service we buy because of it. When I was on jury duty the judge explained that *terrible things happen to people all the time but that doesn’t necessarily mean it is someone else’s fault*. Some law firms with huge advertising budgets seem determined to find anyone that they can get a settlement from and they succeed often because it is less than it will cost to defend the full case. This is an existential threat to the future of our business and the livelihoods of the 46 people who work for us.

**The 3<sup>rd</sup> reason is that it still protects the rights of the victim.** In the event that there was gross negligence or willful misconduct by the entity they will still be held accountable. Entities who behave in this way are a danger to all of us. They not only put their employees and their families at risk but also accelerate the spread of the virus that threatens all of us. They should not be given a free pass!

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Lastly, I suggest that the second line of Section (3) (b) be amended from “on the premises” to “on the premises or an off-site workplace”. This would cover all of the work that essential service workers do at the customers’ homes. Whether it is during a pandemic or snowstorm or both, when people need heat, hot water or propane for their generators, we go. We are proud to go work every day to keep people warm and safe!

Please vote to move this bill forward.

I will be happy to answer any questions.