

## Employers Face New Litigation Exposure Under Adult Survivors Act



By [Scott S. Allen, Jr.](#), [Dennis C. Vacco](#) [Carmen Alexander Vacco](#),

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On May 24, 2022, New York State Governor Kathy Hochul signed the [Adult Survivors Act](#) (“ASA”), which creates a one-year lookback window, beginning on November 24, 2022, for the revival of otherwise time-barred civil claims arising out of alleged sexual offenses committed against people who were 18-years-old or older at the time of the conduct. More specifically, the ASA establishes a new section in the New York Civil Practice Law & Rules that permits adult victims of sexual abuse to file a lawsuit against their alleged abusers regardless of when the offenses occurred or if the former statute of limitations period has run. The ASA also provides that any revival claim is not subject to any order previously dismissing those claims as time-barred or for failure to file a notice of claim.

The ASA revives any claims that a victim suffered physical, psychological, or other injuries as a result of sexual offenses under Article 130 of the Penal Law or as a result of incest. In 2019 the New York State extended the

Statute of Limitations for future claims to 20 years. The statute enacted this week now provides the opportunity for victims to revive prior claims that previously were barred by the old Statute of Limitations.

Like the Child Victims Act (“CVA”) enacted in 2019, the ASA is likely to increase the number of claims filed against those accused of sexual abuse. We anticipate a new round of lawsuits alleging negligence claims against employers, churches, schools, and municipalities based upon hiring, supervision, and retention of the alleged perpetrators. Additionally, claims brought pursuant to the ASA will face the same challenges in defending CVA cases, such as deceased witnesses or alleged perpetrators, lost or destroyed documentary evidence, and the general restraints of litigating claims based on decades-old conduct. Since the enactment of the CVA, over 9,000 claims were filed. It is expected that the volume of claims initiated pursuant to the ASA may exceed the number of claims filed under the CVA.

Lippes Mathias’ Government Investigations Team, led by former New York State Attorney General Dennis Vacco, has extensive experience in defending clients against CVA cases and navigating them through those challenges. In addition, our attorneys have significant experience concerning insurance coverage issues pertaining to these types of claims. With the benefit of that experience, Lippes Mathias is well positioned to defend and counsel its clients against the impending flood of ASA claims.

For more information on this Client Alert, please contact any of the Lippes Mathias’ [Government & State Attorneys General Investigations Team](#) below.