

Prepare to Respond for the Coming Wave of Claims from Adult Survivor's Act



By [Carmen Alexander Vacco](#)

November 2, 2022 | **CLIENT ALERTS**

In 2019, New York passed the Child Victims Act ("CVA"), which opened a two-year lookback window for survivors of childhood sexual abuse to file claims otherwise barred by the former statute of limitations. Earlier this year, New York enacted a similar law for alleged adult survivors of sexual abuse: the Adult Survivors Act ("ASA"). The ASA, modeled after the CVA, establishes a one-year lookback during which claims that were previously time-barred could be revived for civil actions related to certain sexual offenses committed against persons over 18 years old. This lookback window opens on November 24, 2022 and will be available to alleged victims for one year.

Given the nature of the CVA, primary defendants include institutions that regularly engaged with children, such as schools, youth clubs, religious organizations, and healthcare providers. The ASA will inevitably impact a wider range of organizations and industries, such as hospitality, retail, entertainment, and professional services. Because a larger pool of potential plaintiffs will likely file suit pursuant to ASA, it is anticipated that the number of ASA lawsuits will likely exceed the approximately 11,000 CVA cases filed in New York State.

Potential ASA defendants will face similar legal theories and obstacles compared to those faced by CVA defendants. Most notably, the CVA institutional defendant faced vicarious liability claims grounded in theories of negligent hiring, negligent supervision, negligent retention, common law negligence, and premises liability. Other legal obstacles include navigating insurance carrier negotiations and bankruptcy court, in addition to the inherent challenges of litigating events that occurred decades ago.

Ultimately, like CVA plaintiffs, ASA plaintiffs will focus on defendants with substantial assets or insurance policies, as the alleged abuser often has limited assets. Lippes Mathias LLP is currently defending institutions and organizations in over 100 CVA cases. In doing so, we have navigated our clients through every phase of litigation, including discovery, depositions, summary judgment, and settlement, in addition to insurance coverage counseling. In the wake of the CVA, our attorneys at Lippes Mathias have gained the knowledge and experience necessary to represent your interests and prepare for liabilities to ensure your protection, and if needed, assist with an immediate response to any forthcoming ASA claims.

Further questions or requests for more information may be directed towards the following contacts:

Government & State Attorneys General Investigations - Practice Team

- [Dennis C. Vacco](#) - dvacco@lippes.com - 716.853.5100 x1255
- [Carmen Alex Vacco](#) - cvacco@lippes.com - 716.853.5100 x1290
- [Scott S. Allen, Jr.](#) - sallen@lippes.com - 716.853.5100 x1282
- [Brian C. Mahoney](#) - bmahoney@lippes.com - 716.853.5100 x1310

Insurance Recovery, Counseling & Litigation – Practice Team

- [Kevin T. Merriman](#) - kmerriman@lippes.com – 716.853.5100 x1216

Related Team



**Carmen Alexander
Vacco**
Senior Associate



Scott S. Allen, Jr.
Partner | Team
Leader - Agriculture



Brian C. Mahoney
Partner



Kevin T. Merriman
Partner | Team
Leader - Insurance
Recovery,
Counseling &
Litigation



Dennis C. Vacco
Partner | Executive
Committee | Team
Co-Leader -
Government &
Corporate
Investigations