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# Sustaining Your Early Stage Life Science Company during the Covid-19 Pandemic

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# Topics

1. Workers and the Workplace
2. Customer, Suppliers and Partners
3. Funding
4. Other Topics

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# Disclaimer

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The content in this document is current as of May 5, 2020.

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# About Me

- ◆ **Harvard Law School, 2003**
- ◆ **Focus**
  - ◆ Helping entrepreneurs launch and grow businesses
  - ◆ Helping investors raise and deploy capital
- ◆ **Areas of Expertise**
  - ◆ Corporate organization
  - ◆ Angel, VC and institutional financing
  - ◆ Counsel to Board of Directors
  - ◆ Commercial Contracts
  - ◆ Collaborations and Joint Ventures
  - ◆ Mergers & Acquisitions



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# About McCarter & English, LLP

**We are trusted business advisors to Fortune 100, mid-market and emerging growth companies.**

**◆Areas of expertise include:**

- ◆ Commercial Transactions
- ◆ Intellectual Property
- ◆ Employment and Immigration
- ◆ Tax
- ◆ Cybersecurity and Data Privacy
- ◆ Real Estate
- ◆ Financings and Exits

◆ In 2019, we helped our clients complete 242 PE/VC and M&A transactions with gross proceeds of ~\$6 billion

◆ McCarter & English [COVID-19 Task Force](#) is dedicated to providing information and guidance on how COVID-19 may impact your business

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# Workers and the Workplace

- Remote work, where possible
- For work in office (esp. lab work), develop clear, *written* policies and procedures
  - work in shifts
  - transportation costs
  - use of PPE
  - flexible leave
- Develop an infectious disease response plan
- Review [OSHA](#) and [CDC](#) guidance

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# Customers, Suppliers and Partners

- Review contracts impacted by pandemic
- Reach out to discuss modifications to contracts
  - Be open to compromise
- If *really* necessary, consider your contractual remedies
  - Force Majeure – interpretation is fact/state specific
  - Termination
  - Lawsuit, Arbitration or Mediation

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# Funding

- Expect fundraising and grants to be harder to come by for the foreseeable future → Conserve Cash
- Communicate with existing and potential investors
- Take advantage of government stimulus, if possible
- If you have a line of credit
  - Be proactive in addressing potential defaults
  - Consider drawing it down now

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## Other Issues

- Reach out to landlords to discuss deferring and restructuring rent payments
  - Local laws may prohibit evictions while emergency orders are in effect
- Review your insurance policies to determine coverage
- Be careful of privacy and data security issues arising from use of third party software
- Make plans for safely continuing/restarting clinical trials

## Questions?

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