

WMC: Court grants request for a temporary injunction on the release of business names allegedly connected to COVID-19 cases

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WAUKESHA - Wisconsin Manufacturers & Commerce (WMC) - the combined state chamber, manufacturers' association and safety council - argued in court on Monday that Gov. Tony Evers and his Administration should be barred from releasing the names of businesses that have had employees test positive for COVID-19. Waukesha County Circuit Court Judge Lloyd Carter denied the state's motion to dismiss and granted WMC's request for a temporary injunction following the hearing.

WMC filed the lawsuit on Oct. 1 after learning that information on more than 1,000 businesses would be released the following day by the Evers Administration if they had at least two employees who tested positive for COVID-19 - regardless of where the employees contracted the virus. Additionally, the names of businesses could be released even if they had no employees test positive but had two or more contact tracing investigations.

"Businesses around Wisconsin have already faced significant economic harm from COVID-19, and this type of release has the potential to spread false and misleading information that will just make matters worse," said WMC President & CEO Kurt Bauer. "While an employee may have contracted COVID-19 outside the workplace and properly quarantined, a business could still face financial or reputational harm if consumers falsely blame the employer due to this release."

The lawsuit asked the court to block Gov. Evers and his Administration from releasing this private information. WMC's attorney made the following arguments in court on Monday:

- Wisconsin's medical privacy laws forbids releasing the names of patients'

employers

- An injunction is necessary to preserve the status quo and disclosure of business names would cause WMC, its members and their employees irreparable harm
- An injunction is in the public's interest because publication of private health information may undermine trust in the medical system and damage the Department of Health Services' (DHS) efforts to contain the virus

"We applaud the court's decision today that will keep this information private," added Bauer. "Gov. Evers said himself that this is not public information, and we are hopeful the temporary injunction granted today will soon be permanent."

Since July, WMC has urged Gov. Evers, DHS and other Administration officials to keep this information private. This includes a letter to Gov. Evers on July 1 and a letter from WMC's attorney on July 15 to the governor and DHS Secretary Andrea Palm.

The lawsuit was filed by Eimer Stahl Attorney Ryan Walsh on behalf of WMC, the Muskego Area Chamber of Commerce and the New Berlin Chamber of Commerce & Visitor Bureau in the Waukesha County Circuit Court.

WMC's Brief in Support of Temporary Injunction can be read by [clicking here](#). While the judge issued his ruling during the hearing on Monday, a written order is expected later this week.