

MINNESOTA

CARA PASSARO AND BAILEY STUBBE PREVAIL ON MOTION FOR SUMMARY JUDGMENT



Minnesota member Cara Passaro was defending a General Contractor in a worksite injury case that resulted in the death of one of its subcontractor's millwrights and the catastrophic injury of another. The Plaintiffs would not agree to mediate, and demanded payment of the high 7-figure policy limits.

In a matter of first impression, the Court was asked to construe a recently amended workers' compensation provision which states that an individual employed by a subcontractor operating under an agreement with a general

contractor is deemed to be an employee of the general contractor. The Court determined that this 'deeming' of an employment relationship is not contingent upon the subcontractor's failure to secure coverage. The Court found that under the plain language of the statute, the General Contractor is deemed to be the statutory employer of the injured millwrights, and is afforded the employer immunities of the Workers Compensation Act, divesting the trial court of subject matter jurisdiction over the Plaintiffs' claims and forcing their dismissal.



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