

MINNESOTA

SUMMARY JUDGMENT



Congratulations to Tessa McEllistrem for successfully obtaining summary judgment dismissal for her client pursuant to the common enterprise doctrine found in Minn. Stat. § 176.061. Plaintiff was employed by a separate company and assigned to work in the Mystic Lake Casino kitchen. Tessa's client, an employee of Mystic Lake Casino, also worked in the kitchen alongside Plaintiff. After alleging he was hurt on the job and receiving workers' compensation benefits from his employer, Plaintiff attempted to bring a third party action against her client. Tessa successfully argued that, because both employers were engaged on the same project, both Plaintiff and her client were working together on a common activity, and were both exposed to the same hazard, Plaintiff and her client were working in furtherance of a common enterprise. Accordingly, as Plaintiff had already received workers' compensation benefits, he was barred from recovering damages against Tessa's client pursuant to Minn. Stat. § 176.061, and the Court dismissed the entirety of Plaintiff's claims.



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