

MISSOURI MULTI-MILLION DOLLAR LAWSUIT



**WATTERS WOLF
BUB HANSMANN**

In November of 2023, Jackie Kinder and Brendon Sanders successfully represented a business owner Exide, who was being sued for over \$4,000,000 because of a worker falling into a batch of hot molten lead. The defendant owned the molten lead plant and had contracted with the employer of the badly injured plaintiff who was working on the premises pursuant to the contract between his employer and Jackie's client. The client Exide was being sued under premises liability theory and was working on a conveyor line, that was below a pot that heated and held molten lead. The Plaintiff climbed into the conveyor and stood over the molten lead pot while trying to unscrew a bolt on the conveyor belt he was working on. While doing so he slipped and fell with both of his legs being severely burned from the knee down, into the molten lead.

The Plaintiff alleged that Exide was in control of the premises where the accident happened and was therefore responsible for the accident as it failed to have guards, grating, and vat covers, and failed to advise him of the presence of the molten lead or otherwise provide for the work to be done in a safe environment. The Plaintiff suffered third-degree burns to his legs and underwent multiple skin graft and scar revision surgeries in the months after the accident. The Plaintiff had over \$300,000 in medical bills and future medical care under a life care plan of almost \$1,000,000. Plaintiff also claimed future lost earnings of \$2,600,000-\$4,000,000.

Jackie and Brendon moved for summary judgment on behalf of Exide arguing that Exide was the statutory employer of Plaintiff under Missouri Workers' Compensation Act and therefore could not be liable to Plaintiff, an employee of a contractor, under Missouri law. The Federal District Court for the Western District of Missouri agreed and held that under Missouri Revised Statutes 287.040.1, the Plaintiff's exclusive remedy for his injuries was workers compensation

benefits and that the Plaintiff's claims were barred by the Act's exclusive remedy provisions and entered judgment for the defendant Exide.



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