

TEXAS HOUSTON SUMMARY JUDGMENT

RAMEY, CHANDLER, QUINN & ZITO, P.C.

A summary judgment obtained by Wade Quinn was recently affirmed by the 14th Court of Appeals in Houston, Texas. The Trial Court granted Lubrizol Corporation's Motion for Summary Judgment based upon the "Exclusive Remedy" provisions of the Texas Workers Compensation Act. The Plaintiff's argued that the trial court erred because, by the terms of his employer's agreement with Lubrizol, Lubrizol is not a "general contractor" under the Act and therefore should not reap the benefits of the statutory bar to liability provided under section 406.123 of the Texas Labor Code. In the alternative, the Plaintiff, argued that the terms of his employer's agreement with Lubrizol are ambiguous, and likewise render a genuine issue of material fact as to Lubrizol's status as a "general contractor" under the Act. Agreements like the one at issue have become more common in Texas and Plaintiffs in lawsuits have tried to invalidate them. The appellate court affirmed the protection they can provide to premises owners, contractors and other on multi-employer worksites.



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