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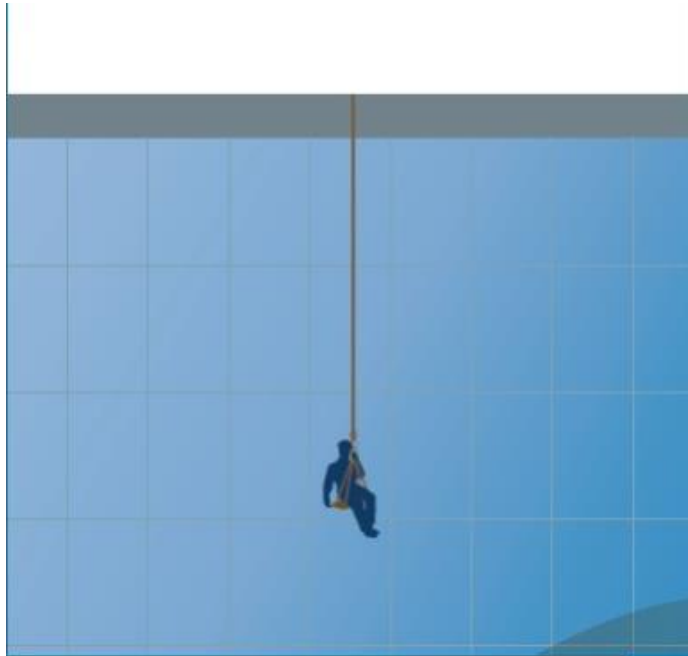
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# Workers Compensation Case Study

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# Overview



## General Contractor:

- Lee Lewis Construction

## Sub: KK Glass

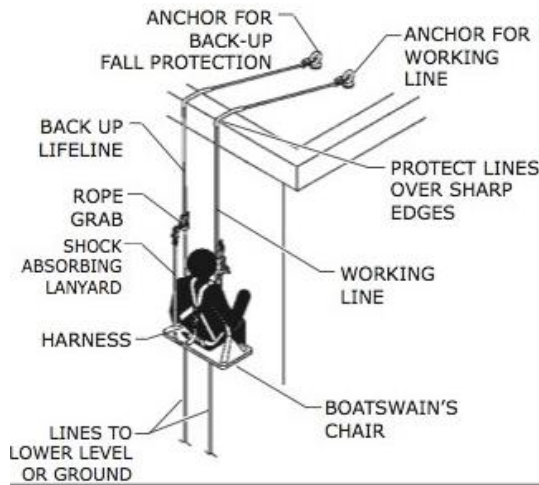
- Jimmy Harrison

## Dates

- Argued April 5t, 2000
- Decided Dec 20th, 2001
- Rehearing Overruled April 15th, 2002

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# Case Details



- ❑ Jimmy Harrison fell while working on the 10th floor at Lubbock's Methodist Hospital
  - ❑ Harrison fell due to faulty safety equipment that was being used
  - ❑ General Contractor for the project was Lee Lewis Construction (LLC)
  - ❑ LLC subcontracted the interior glass-glazing work with **KK Glass**
  - ❑ Jimmy Harrison worked for **KK Glass**
  - ❑ Harrison was installing thermal insulation and caulking between the window frames
  - ❑ The injuries that Harrison sustained were fatal
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# Case Facts and Compensation

## Facts

- ❑ Harrison's wife, two children, and parents sued **LLC**
- ❑ Family alleged negligence and gross negligence against **LLC & KK Glass**
- ❑ Harrison won decision in 2001
- ❑ **LLC** appeals for claim of “No evidence” behind negligence.

## Compensation

- ❑ **7.9 M** in Compensatory damages and pre-judgement interest
  - ❑ **5 M** in punitive damages
  - ❑ Harrison family remedies **\$450,000** to **LLC** for unproven pain and suffering damages
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# Issues In The Case

## *Why was the dispute filed?*

- LLC was petitioning the first ruling of gross negligence

## *The main question asked of the court?*

- Did LLC retain the right to control safety?
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## Issues In The Case Continued...

### *Argument of LLC*

- ❑ LLC was arguing that they were not responsible for the failed safety equipment provided by KK Glass
- ❑ There is no evidence that it exercised any actual control over KK Glass employees' use of fall-protection equipment during the exterior glass-installation process

### *Argument of Harrison Family*

- ❑ C.L Lewis LLC's superintendent in charge of the area Harrison was working in was responsible for inspecting the safety equipment that was being utilized by subcontractors and that their employees were wearing them properly
  - ❑ There was testimony that C.L. Lewis "definitely did approve" the lanyard system. There was also testimony that C.L. Lewis knew of and did not object to KK Glass employees using a bosun's chair without an independent lifeline.
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# Decisions and reasoning

## *Decisions*

- ❑ LLC retained the right to control its subcontractor's fall-protection measures and thus owed a legal duty to Harrison;
- ❑ LLC's failure to ensure adequate fall-protection measures proximately caused Harrison's fall
- ❑ LLC was grossly negligent.

## *Reasoning*

- ❑ KK Glass sub to LLC
    - ❑ Legally leaves LLC Responsible
    - ❑ Even for employee well being
  - ❑ Contractual ties leave you with the liability of those who do independent work
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