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WORKERS COMPENSATION

Black v. Cabot Petroleum Corp., 877 F.2d 822

Author: Judge Ebel

Plaintiffs, the widow and surviving children of Glen L. Black (“the Blacks”), filed a negligence and products liability suit in district court against defendant, Cabot Petroleum Corp. (“Cabot”). Black died while working for Cleo Keith, a subcontractor of Cabot. The district court granted summary judgment in favor of Cabot, and the Blacks appealed.

The Tenth Circuit affirmed. The court concluded that Colorado workers’ compensation laws applied to the case. Colorado statute provides that general contractors, including Cabot, are immune from suit for injuries to employees of the subcontractors, as long as the subcontractors maintain workers’ compensation insurance. The court stated that if a downstream subcontractor obtains workers’ compensation insurance, then all upstream subcontractors and general contractors are immune from suit. Because it is undisputed the subcontractor, Cleo Keith, had workers’ compensation at the time of the accident, the Blacks can have no suit against Cabot.

