

TRIAL RESULTS



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NEVADA SUMMARY JUDGMENT WIN IN FACTUALLY CHALLENGING CASE

2.22.23

Congratulations are in order for WSHB Nevada office managing partner Janice Michaels and senior associate Xheni Ristani who on a summary judgment win for the firm's client.

Plaintiff was an employee of the client's homebuilder's subcontractor. An unknown assailant assaulted and robbed him while working at the homebuilder's job site. Plaintiff alleged a failure to provide adequate security. Of note, several weeks before the subject incident, a security guard working at the job site was shot and killed. Plaintiff alleged that this prior incident put the homebuilder on notice of the need to provide a heightened level of security. In the motion for summary judgment, WSHB argued Plaintiff's claims against the homebuilder were precluded under workers' compensation as the homebuilder is considered a statutory employer of its subcontractors' employees.

Plaintiff argued that even though he was on the clock at the time of the incident this type of injury was not the type to arise out of his employment and as such the workers' compensation argument should not apply. The Judge granted the motions. In her minute order, the judge stated "The evidence at the hearing indicated Plaintiff's worker's compensation claim has already been accepted by Nevada's Industrial Insurance on behalf of the employer. Hence, it has already been determined worker's compensation is to be afforded utilizing the neutral risk 'arose out of' employment. It follows then [homebuilder] falls within those entities covered by the statutory insurance."

A round of applause on this knockout punch for the client!

PROFESSIONALS

Janice M. Michaels

Xheni Ristani

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