

SUPREME COURT OF OKLAHOMA

Lind v. Barnes Tag Agency, Inc.

Lind, 2018 OK 35 (Okla. 2018) · No. 115130 · Decided May 1, 2018

SUMMARY

The Oklahoma Supreme Court held that the sole shareholder of a corporate employer was not immune from a wrongful-death negligence action based on his individual ownership of the property where the employee was injured. The court distinguished the shareholder’s personal duties as a third-party landowner from the employer’s workers’ compensation immunity, vacated the Court of Civil Appeals’ opinion, and affirmed in part, reversed in part, and remanded the trial court’s order.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Combs, C.J.; Gurich, V.C.J.; Kauger, J.; Edmondson, J.; Colbert, J.; Wyrick, J.; Winchester, J.; Reif, J.; Darby, J. (not participating)
JURISDICTION	Oklahoma
DECIDED	May 1, 2018
DOCKET	115130
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The administrator brought a wrongful-death negligence action in district court against the decedent's employer and the employer's sole shareholder, who individually owned the property where the fatal injury occurred. The district court granted summary judgment to both defendants based on the Oklahoma Workers' Compensation Act's exclusive-remedy provision. The Court of Civil Appeals affirmed, and the Oklahoma Supreme Court granted certiorari.
STANDARD OF REVIEW	Summary judgment is reviewed de novo. The appellate court exercises plenary, non-deferential authority to reexamine the trial court's legal rulings. Summary judgment is proper only when no genuine dispute of material fact exists and the moving party is entitled to judgment as a matter of law, with inferences viewed in favor of the nonmoving party.
PRECEDENTIAL VALUE	precedential
PARTIES	Savannah Nicole Lind, Administrator of the Estate of James David Lind, Sr. v. Barnes Tag Agency, Inc., James Barnes a/k/a Jim T. Roy

TOPICS

workers compensation

wrongful death

negligence

statutory interpretation

appellate procedure

PRACTICE AREAS

workers compensation

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negligence

corporate law

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QUESTIONS PRESENTED

1. Whether James Barnes was a co-employee of the decedent under the former Oklahoma Workers' Compensation Act.
2. Whether the former Oklahoma Workers' Compensation Act barred a wrongful-death negligence action against the corporation's sole shareholder based on his independent ownership of the property where the employee was injured.
3. Whether the employer's workers' compensation immunity extended to Barnes individually as a third-party landowner and alleged tortfeasor.

HOLDINGS

1. Barnes was not the decedent's co-employee under 85 O.S. Supp. 2006 § 3 because he was not an employee of Barnes Tag Agency and had not elected workers' compensation coverage as a stockholder-employee.
2. The Oklahoma Workers' Compensation Act did not bar the administrator's negligence suit against Barnes individually for duties arising from his ownership of the property where the decedent was injured.
3. Barnes Tag Agency, Inc., as the decedent's employer, was protected from the wrongful-death action by the exclusive-remedy provision of 85 O.S. Supp. 2006 § 12.

KEY QUOTATIONS

“The question presented in this cause is whether the sole shareholder of a corporation, who individually owns a property where an employee of the corporation sustained fatal injuries, is immune from suit for common-law negligence in district court under the provisions of the Oklahoma Workers' Compensation Act. We hold in the negative.” (¶ 1)

“A corporation and its sole owner and shareholder are separate entities and the immunity of the workers' compensation laws that shields the corporation from tort liability to employees does not extend to the owner of the corporation as a third-party landowner.” (¶ 25)

FACTUAL BACKGROUND

James David Lind, Sr. was employed by Barnes Tag Agency, Inc. to perform maintenance work on property individually owned by Jim T. Roy Barnes, the corporation's sole shareholder. An explosion and fire occurred on the property while Lind was working there, causing injuries that led to his death. Workers' compensation benefits

were awarded based on Lind's employment with Barnes Tag Agency, while the workers' compensation claim against Barnes individually was dismissed because he was not Lind's employer.

PROCEDURAL HISTORY

The Workers' Compensation Court of Existing Claims found that the decedent was an employee of Barnes Tag Agency, Inc., awarded death benefits to his surviving minor children, and dismissed the claim against James Barnes individually after finding that Barnes was not the decedent's employer. The district court then granted summary judgment to Barnes Tag Agency and Barnes in the wrongful-death action. The Court of Civil Appeals affirmed; the Oklahoma Supreme Court vacated that opinion, affirmed summary judgment for Barnes Tag Agency, reversed summary judgment for Barnes individually, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded for proceedings consistent with the opinion. Summary judgment remained affirmed in favor of Barnes Tag Agency, Inc., while summary judgment in favor of James Barnes individually was reversed.

CASES CITED

- Boyle v. ASAP Energy, Inc., 2017 OK 82, 408 P.3d 183
- Tiger v. Verdigris Valley Electric Corp., 2016 OK 74, 410 P.3d 1007
- Lowery v. Echostar Satellite Corp., 2007 OK 38, 160 P.3d 959
- John v. St. Francis Hospital, Inc., 2017 OK 81, 405 P.3d 681
- Stevens v. Fox, 2016 OK 106, 383 P.3d 269
- Kluver v. Weatherford Hospital Authority, 1993 OK 85, 859 P.2d 1081
- Wathor v. Mutual Assurance Administrators, Inc., 2004 OK 2, 87 P.3d 559
- Oliver v. Farmers Insurance Group of Companies, 1997 OK 71, 941 P.2d 985
- Odom v. Penske Truck Leasing Co., 2018 OK 23
- Kenkel v. Parker, 2015 OK 81, 362 P.3d 1145
- Weber v. Armco, Inc., 1983 OK 52, 663 P.2d 1221
- Couillard v. Van Ess, 447 N.W.2d 391 (Wis. Ct. App. 1989)
- LaBelle v. Crepeau, 593 A.2d 653 (Me. 1991)
- Lyon v. Barrett, 89 N.J. 294, 445 A.2d 1153 (1982)
- Jackson v. Gibson, 409 N.E.2d 1236 (Ind. App. 1980)
- Ozarowski v. Yaloz Realty Corp., 181 A.D.2d 763 (N.Y. App. Div. 1992)
- Henderson v. Meredith Lumber Co., 190 W. Va. 292, 438 S.E.2d 324 (1993)
- United States v. Badger, 818 F.3d 563 (10th Cir. 2016)
- In re Denton, 203 F.3d 834 (10th Cir. 2000) (table)

- Dean v. Multiple Injury Trust Fund, 2006 OK 78, 145 P.3d 1097
- Magnolia Pipe Line Co. v. Oklahoma Tax Commission, 1946 OK 113, 167 P.2d 888
- State ex rel. Board of Regents of the University of Oklahoma v. Lucas, 2013 OK 14, 297 P.3d 378
- Powers v. District Court of Tulsa County, 2009 OK 91, 227 P.3d 1060
- Scott v. Archon Group, L.P., 2008 OK 45, 191 P.3d 1207

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