

SUPREME COURT OF OKLAHOMA

Cactus Drilling Company, L.L.C. v. The Honorable Kory Kirkland,
and Faulkner

Cactus Drilling, 2026 OK 7 (Okla. 2026) · No. 123508 · Decided February 9, 2026

SUMMARY

The Oklahoma Supreme Court issued writs of prohibition and mandamus concerning a district court action arising from a workplace injury. The Court held that the employee's prior pursuit of workers' compensation benefits barred his later gross-negligence claim in district court under the Oklahoma Administrative Workers' Compensation Act's exclusivity and anti-claim-splitting provisions. The Court ordered the district court to refrain from enforcing its September 11, 2025 judgment and to dismiss the claims against Cactus Drilling Company, L.L.C.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Chief Justice; All Justices
JURISDICTION	Supreme Court of Oklahoma
DECIDED	February 9, 2026
DOCKET	123508
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Cactus Drilling sought review of a certified interlocutory order allowing James Faulkner's gross-negligence claim to proceed despite his prior workers' compensation claim and receipt of benefits. The Oklahoma Supreme Court recast the certiorari request as an application to assume original jurisdiction and issued writs of prohibition and mandamus.
STANDARD OF REVIEW	The Supreme Court exercised original jurisdiction to determine whether extraordinary writs were warranted and whether the district court had jurisdiction to allow the claim to proceed under the Oklahoma Administrative Workers' Compensation Act.
PRECEDENTIAL VALUE	Published opinion metadata identifies the decision as published, but the opinion itself states that it had not yet been released for publication and was subject to revision or withdrawal.

PARTIES

Cactus Drilling Company, L.L.C. v. The Honorable Kory Kirkland, James B. Faulkner, Maria Faulkner, The Crosby Group, Diamondback Holdings, L.L.C., Casey McConnell, Matt McKinley

TOPICS

writ of certiorari

appellate procedure

workers compensation

subject matter jurisdiction

statutory interpretation

PRACTICE AREAS

Workers' compensation

Civil procedure

Appellate procedure

Statutory interpretation

Remedies

QUESTIONS PRESENTED

1. Whether an employee who filed a workers' compensation claim, invoked the Workers' Compensation Commission's jurisdiction, pursued the claim, and received benefits may later maintain a gross-negligence or intentional-tort action in district court after dismissing the workers' compensation claim.
2. Whether subrogation could preserve the district-court claim or prevent double recovery where the employer or its carrier paid the workers' compensation benefits.

HOLDINGS

1. An employee who has maintained a workers' compensation action by instituting, pursuing, and continuing the claim and receiving benefits cannot later maintain an intentional-tort or gross-negligence action in district court, even if the workers' compensation claim is later dismissed.
2. Subrogation could not preserve Faulkner's district-court claim or eliminate the double-recovery problem because Cactus Drilling or its workers' compensation carrier could not bring a subrogation action against Cactus Drilling itself, and no statutory provision authorized recovery of the full benefits already paid.

KEY QUOTATIONS

"We hold that Faulkner's gross negligence claim violates the AWCA's exclusivity provisions." (§7)

"The language 'but not both' emphasized this requirement to choose between two forums, which we explained 'serves to protect employers from defending against two claims filed simultaneously in different forums--and bolsters the underlying public policy against double recovery.'" (§9)

"Having instituted a workers' compensation claim, invoked the Workers' Compensation Commission's jurisdiction, pursued and continued that claim for almost two years, and received benefits, he maintained his action as provided in the AWCA, even if he later chose to dismiss it." (§10)

FACTUAL BACKGROUND

In 2019, James Faulkner was injured while working on a drill line at an oil rig when a 30-pound piece of equipment fell approximately 40 feet and struck his hard hat, causing a traumatic brain injury. He filed a district

court action against his employer, Cactus Drilling, and also filed a workers' compensation claim. Faulkner pursued the workers' compensation claim for nearly two years and received more than \$265,000 in medical and indemnity benefits before dismissing the claim with prejudice.

PROCEDURAL HISTORY

Faulkner filed a district court action against Cactus Drilling after a workplace injury and separately pursued workers' compensation benefits. The district court dismissed his negligence claim but allowed his gross-negligence claim to proceed, later denying Cactus Drilling's motion to reconsider. The Supreme Court held that Faulkner's prior pursuit of workers' compensation barred the district-court claim and ordered dismissal of all claims against Cactus Drilling.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The district court is ordered to dismiss all claims brought by James B. Faulkner and Maria Faulkner against Cactus Drilling Company, L.L.C. The writ of prohibition bars enforcement of the September 11, 2025 Journal Entry of Judgment.

CASES CITED

- Kpiele-Poda v. Patterson-UTI Energy, 2023 OK 11, 525 P.3d 28
- Parret v. UNICCO Service Co., 2005 OK 54, 127 P.3d 572
- Farley v. City of Claremore, 2020 OK 30, 465 P.3d 1213

OPINION

PER CURIAM.

OSCN Found Document:CACTUS DRILLING CO. LLC, v. THE HONORABLE KORY KIRKLAND, and FAULKNER, et al. CACTUS DRILLING CO. LLC, v. THE HONORABLE KORY KIRKLAND, and FAULKNER, et al. 2026 OK 7 Case Number: 123508 Decided: 02/09/2026 THE SUPREME COURT OF THE STATE OF OKLAHOMA Cite as: 2026 OK 7, __ P.3d __ NOTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION.

UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL. IN THE SUPREME COURT OF THE STATE OF OKLAHOMA CACTUS DRILLING COMPANY, L.L.C., an Oklahoma Limited Liability Company, Petitioner, v. THE HONORABLE KORY KIRKLAND, Grady County District Judge, Respondent, and JAMES B. FAULKNER, an individual, and MARIA FAULKNER, an individual, Real Parties in Interest/Plaintiffs, and THE CROSBY GROUP, a foreign limited partnership; DIAMONDBACK HOLDINGS, L.L.C., a foreign

corporation; and CASEY MCCONNELL, an individual; MATT MCKINLEY, an individual, Real Parties in Interest/Defendants.

ORDER ¶1 We previously assumed original jurisdiction. Okla. Const. art. VII, § 4. A writ of prohibition is issued to Grady County District Court Judge Kory Kirkland, or any other assigned judge, in James B. Faulkner and Maria Faulkner v. Cactus Drilling Company, LLC, No. CJ-2021-175 (Grady County), barring the enforcement of the September 11, 2025 Journal Entry of Judgment.

A writ of mandamus is also issued, ordering the district court to dismiss all claims brought by Real Parties in Interest James B. Faulkner and Maria Faulkner. ¶2 In 2019, James B. Faulkner ("Faulkner") was injured while working on a drill line at an oil rig when a 30-pound piece of equipment malfunctioned and fell from a height of 40 feet, striking him on the hard hat and causing a traumatic brain injury.

In 2021, Faulkner filed a district court action against his employer, Cactus Drilling Company, LLC ("Employer"). He also filed a workers' compensation claim. In 2022, Employer moved to dismiss the district court case, citing the exclusivity provision in the Oklahoma Administrative Workers' Compensation Act ("AWCA").

On January 26, 2023, the district court granted the motion to dismiss as to Faulkner's negligence claim, but allowed his gross negligence claim to proceed. ¶3 On February 13, 2023, Employer filed a motion to reconsider based on the Court's then recent decision in Kpiele-Poda v. Patterson-UTI Energy, 2023 OK 11 525 P.3d 28 ¶4 On February 13, 2025, Employer reurged its motion to reconsider the district court's decision on the motion to dismiss.

In the alternative, Employer requested that Faulkner repay the workers' compensation benefits, amounting to over \$265,000 for indemnification and medical expenses. ¶5 The district court denied Employer's motion to reconsider, allowing Faulkner to proceed in the district court on his gross negligence claim.

The district court held that Faulkner's gross negligence claim did not violate the AWCA's exclusivity rule, subject to subrogation. Employer then sought certiorari of a certified interlocutory order, which this Court recast as an application to assume original jurisdiction. ¶6 The district court correctly dismissed Faulkner's negligence claim.

The rights and remedies granted to an employee under the AWCA "[s]hall be exclusive of all other rights and remedies of the employee." 85A O.S. Supp. 2019, § 5(A). Therefore, district courts do not have jurisdiction over actions rising from accidental work-related injuries; such cases fall solely under the jurisdiction of the workers' compensation commission.

Parret v. UNICCO Service Co., 2005 OK 54 127 P.3d 572 ¶7 The issue this Court must decide is whether Faulkner's filing of a workers' compensation claim and his receipt of workers' compensation benefits bars his gross negligence claim, even though he later chose to dismiss his workers' compensation claim.

We hold that Faulkner's gross negligence claim violates the AWCA's exclusivity provisions. ¶8 While an employee is permitted to file an intentional tort action in district court against his employer, the claim is still subject to the Court's prohibition against claim-splitting. See Kpiele-Poda, 2023 OK 11 525 P.3d 28 Kpiele-Poda, the injured employee filed a workers' compensation claim and received medical treatment, along with temporary benefits.

He then filed a district court action against his employer for negligence and an intentional tort. The employer moved to dismiss the employee's claim in district court based on the AWCA's exclusivity rule. Id. ¶¶ 4-6, 525 P.3d at 29-30.

The Court looked to the plain language of 85A O.S.2021, § 5 If the employer has failed to secure the payment of compensation as provided in the [AWCA] or in the case of an intentional tort, the injured employee or his or her legal representative may maintain an action either before the Oklahoma Workers' Compensation Commission or in the district court, but not both.

Kpiele-Poda, 2023 OK 11 ¶9 The Court construed this section as indicating the Legislature's intent for an employee to choose one forum to pursue his claim, rather than two forums. The language "but not both" emphasized this requirement to choose between two forums, which we explained "serves to protect employers from defending against two claims filed simultaneously in different forums--and bolsters the underlying public policy against double recovery."

Id. ¶ 20, 525 P.3d at 35. The Kpiele-Poda Court affirmed the dismissal of the employees' claim, including his claim for an intentional tort. ¶10 Like the employee in Kpiele-Poda, Faulkner has already sought an exclusive remedy for his injuries arising through his workers' compensation action and has received over \$265,000 in workers' compensation benefits. See 85A O.S.2021, § 5 Kpiele-Poda, 2023 OK 11 see also Farley v. City of Claremore, 2020 OK 30 465 P.3d 1213.

As we stated in Kpiele-Poda, "the plain and ordinary meaning of 'maintain an action' means to pursue, continue, or institute." Id. ¶ 21, 525 P.3d 28 instituted a workers' compensation claim, invoked the Workers' Compensation Commission's jurisdiction, pursued and continued that claim for almost two years, and received benefits, he maintained his action as provided in the AWCA, even if he later chose to dismiss it.

Id. ¶11 The district court recognized that allowing Faulkner's intentional tort claim to proceed in district court could violate the public policy against double recovery and therefore, placed a caveat that any recovery would have to be subrogated.

However, subrogation does not apply in this case. Under Oklahoma law, a party that brings a subrogation action assumes the legal rights of its insured to recover money owed by the at-fault third party. 85A O.S. Supp. 2019, § 43(B)(1). Employer, through its workers' compensation carrier, cannot file an action against itself. Additionally, there is no statutory provision that allows the employer to recover the full amount of workers' compensation benefits it has already paid.

Instead, Employer would have to initiate a subrogation action against itself, which is not permissible under the law and ultimately allows for double recovery. ¶12 For these reasons, we issue a writ of prohibition, barring the enforcement of the September 11, 2025 Journal Entry of Judgment, and a writ of mandamus, ordering the district court to dismiss all claims brought by James B. Faulkner and Maria Faulkner against Cactus Drilling Company, L.L.C.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THE 9TH DAY OF FEBRUARY, 2026. s/_____ CHIEF JUSTICE ALL JUSTICES CONCUR. FOOTNOTES Any claimant may, upon the payment of the Workers' Compensation Commission's filing fee, dismiss any claim brought by the claimant at any time before final submission of the case to the Commission for decision.

Such dismissal shall be without prejudice unless the words "with prejudice" are included in the order. If any claim that is filed within the statutory time permitted by Section 18 of this act is dismissed without prejudice, a new claim may be filed within one (1) year after the entry of the order dismissing the first claim even if the statutory time for filing has expired.

We note that Faulkner could have dismissed his claim without prejudice, allowing him to refile within one year. However, he chose to dismiss it with prejudice.