

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW
HAMPSHIRE

Michael Bennett and Karyn Bennett v. Patriot Carriers, LLC, et al.

2026 DNH 007 (D. N.H. 2026) · No. 1:25-cv-260-PB-AJ · Decided January 21, 2026

SUMMARY

The United States District Court for the District of New Hampshire denied motions to dismiss negligence and loss-of-consortium claims against Patriot Carriers, LLC and related defendants. The court held that the defendants’ affirmative defense under New Hampshire’s workers’ compensation exclusivity statute, RSA § 281-A:8, was premature because the record did not establish with no doubt that the statute barred the claims.

CASE DETAILS

COURT	United States District Court for the District of New Hampshire
WRITING FOR THE COURT	Paul J. Barbadoro
JURISDICTION	United States District Court for the District of New Hampshire
DECIDED	January 21, 2026
DOCKET	1:25-cv-260-PB-AJ
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved to dismiss negligence and loss-of-consortium claims under Federal Rule of Civil Procedure 12(b)(6), asserting that New Hampshire's workers' compensation exclusivity provision barred the claims.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion based on an affirmative defense, dismissal is proper only when there is no doubt that the plaintiff's claim is barred by the asserted defense.
PRECEDENTIAL VALUE	Unknown
PARTIES	Michael Bennett, Karyn Bennett v. Patriot Carriers, LLC, Outdoor Living Supply, LLC, Outdoor Living Supply Holdings, LLC, among others

TOPICS

- motions to dismiss
- affirmative defenses
- workers compensation
- negligence
- civil procedure

PRACTICE AREAS

civil procedure

torts

workers compensation

QUESTIONS PRESENTED

1. Whether the defendants could establish on a Rule 12(b)(6) motion that New Hampshire Revised Statutes Annotated § 281-A:8 barred the Bennetts' negligence and loss-of-consortium claims.
2. Whether the question of whether a defendant is an employer within the meaning of § 281-A:8 could be resolved on the pleadings and submitted materials.

HOLDINGS

1. The defendants' motions to dismiss were denied because the asserted workers' compensation exclusivity defense was premature and the court could not conclude with no doubt that § 281-A:8 barred the Bennetts' claims.

KEY QUOTATIONS

“Whether an entity is an employer within the meaning of § 281-A:8 is a question of fact on which the defendant bears the burden of proof.”

“And because the defendants bear the burden of proof on this affirmative defense, they cannot prevail on a motion to dismiss reliant on it unless there is “no doubt that the plaintiff’s claim is barred by the raised defense.””

FACTUAL BACKGROUND

Michael Bennett allegedly suffered injuries in the scope of his employment by the defendants and received workers' compensation benefits. Michael and Karyn Bennett asserted negligence and loss-of-consortium claims against several defendants. The defendants argued that New Hampshire's workers' compensation exclusivity statute barred both claims.

PROCEDURAL HISTORY

The Bennetts brought negligence and loss-of-consortium claims in federal court. Patriot Carriers, Outdoor Living Supply, and Outdoor Living Supply Holdings moved to dismiss based on New Hampshire Revised Statutes Annotated § 281-A:8. The court denied the motions as premature because whether the defendants qualified as employers under the statute was a fact-dependent issue and the affirmative defense could not be resolved on the pleadings.

DISPOSITION

dismissed

CASES CITED

- *Dumais v. United States*, 2023 DNH 101 (D.N.H. Aug. 15, 2023)

- **Monsarrat v. Newman**, 28 F.4th 314, 318 (1st Cir. 2022)

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