

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, CENTRAL DIVISION

Haley Welsh, et al. v. Bell Textron, Inc., et al.

Welsh · No. 3:25-cv-00064-GFVT · Decided June 11, 2026

SUMMARY

The court denied Haley Welsh’s motion under Federal Rule of Civil Procedure 60(b)(6) to modify the dismissal with prejudice of claims against the Estate of Gale Alleman, Jr. The court held that the Kentucky Workers’ Compensation Act’s exclusive-remedy provision supported the dismissal and that Welsh had not shown extraordinary circumstances or timely pursued relief under Rule 59(e). The court clarified that the dismissal did not adjudicate Alleman’s fault and that the remaining parties may seek apportionment of fault to the Alleman Estate at trial if they satisfy Kentucky law’s evidentiary requirements.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Central Division
WRITING FOR THE COURT	Gregory F. Van Tatenhove
JURISDICTION	United States District Court for the Eastern District of Kentucky, Central Division
DECIDED	June 11, 2026
DOCKET	3:25-cv-00064-GFVT
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b)(6) to modify a prior dismissal with prejudice of claims against the Estate of Gale Alleman, Jr. Bell Textron sought clarification that the dismissal did not adjudicate Alleman's fault and did not preclude fault apportionment at trial.
STANDARD OF REVIEW	Rule 60(b)(6) relief is available only in exceptional or extraordinary circumstances not addressed by Rule 60(b)(1)-(5), and the movant must establish circumstances warranting equitable relief. The court also applied Kentucky law governing workers' compensation immunity and comparative-fault apportionment.
PRECEDENTIAL VALUE	Unknown

PARTIES

Haley Welsh, et al. v. Bell Textron, Inc., et al.

TOPICS

motion for reconsideration

civil procedure

comparative fault

workers compensation

remedies

PRACTICE AREAS

civil procedure

workers compensation

torts

remedies

QUESTIONS PRESENTED

1. Whether Welsh established extraordinary or exceptional circumstances warranting relief from the prior dismissal with prejudice under Federal Rule of Civil Procedure 60(b)(6).
2. Whether a party that failed to pursue an available Rule 59(e) motion may obtain equivalent relief through Rule 60(b)(6).
3. Whether the prior immunity-based dismissal adjudicated the Alleman Estate's fault or precludes the remaining defendants from seeking apportionment of fault against the estate under Kentucky Revised Statutes section 411.182(4).

HOLDINGS

1. Welsh was not entitled to relief under Rule 60(b)(6) because she identified no extraordinary or exceptional circumstance, newly discovered evidence, change in controlling law, or manifest injustice justifying modification of the prior dismissal.
2. Welsh could not use Rule 60(b)(6) to obtain equivalent relief after failing to pursue an available Rule 59(e) motion within the twenty-eight-day deadline.
3. The prior dismissal did not adjudicate the Alleman Estate's fault and did not foreclose the remaining parties from seeking a fault-apportionment instruction against the estate at trial.

KEY QUOTATIONS

“Rule 60(b)(6) applies “only in exceptional or extraordinary circumstances which are not addressed by the first five numbered clauses of the Rule.”” (II.A.1)

“At this time, the remaining parties are not foreclosed as a matter of law from seeking a fault apportionment instruction as to the Alleman Estate at trial.” (II.B)

FACTUAL BACKGROUND

The action arose from a helicopter crash that killed three members of a medevac team. Haley Welsh and Gale Alleman were employees of Air Evac Lifeteam, and Welsh's estate received workers' compensation benefits. The court had dismissed direct negligence claims against the Alleman Estate because Kentucky's Workers' Compensation Act supplied co-employee immunity and because the estate had been fraudulently joined. The court had made no finding concerning Alleman's actual fault in the crash.

PROCEDURAL HISTORY

The court previously dismissed all claims against the Alleman Estate with prejudice after determining that the Kentucky Workers' Compensation Act barred the claims and that the estate had been fraudulently joined to defeat diversity jurisdiction. Welsh filed a Rule 60(b)(6) motion after the Rule 59(e) deadline had expired. The court denied relief and clarified that the remaining parties may seek apportionment of fault against the Alleman Estate if they satisfy Kentucky law's evidentiary requirements.

DISPOSITION

other

CASES CITED

- Hopper v. Euclid Manor Nursing Home, Inc., 867 F.2d 291, 294 (6th Cir. 1989)
- Pierce v. United Mine Workers, 770 F.2d 449, 451 (6th Cir. 1985)
- Ford Motor Co. v. Mustangs Unlimited, Inc., 487 F.3d 465, 468, 470 (6th Cir. 2007)
- Olle v. Henry & Wright Corp., 910 F.2d 357, 365 (6th Cir. 1990)
- Gonzalez v. Crosby, 545 U.S. 524, 535 (2005)
- Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847, 863 n.11, 873 (1988)
- Intera Corp. v. Henderson, 428 F.3d 605, 620-621 (6th Cir. 2005)
- BLOM Bank SAL v. Honickman, 145 S. Ct. 1612, 1622 (2025)
- Ackermann v. United States, 340 U.S. 193, 198 (1950)
- Fireman's Fund Ins. Co. v. Sherman & Fletcher, 705 S.W.2d 459, 461 (Ky. 1986)
- Brewer v. Hillard, 15 S.W.3d 1, 6 (Ky. Ct. App. 1999)
- Kearns v. Brown, 627 S.W.2d 589, 590 (Ky. Ct. App. 1982)
- Dix & Assocs. Pipeline Contractors, Inc. v. Key, 799 S.W.2d 24, 29 (Ky. 1990)
- Owens Corning Fiberglas Corp. v. Parrish, 58 S.W.3d 467, 475, 479-481 (Ky. 2001)
- Labor Ready, Inc. v. Johnston, 289 S.W.3d 200, 205 (Ky. 2009)
- Beverly v. MEVA Formwork Systems, Inc., No. 3:08-29-DCR, 2010 WL 2305746, at *2 (E.D. Ky. June 7, 2010)
- Asher v. Unarco Material Handling, Inc., No. 6:06-548-DCR, 2008 U.S. Dist. LEXIS 46655, at *8 (E.D. Ky. June 14, 2008)
- Poole v. HEC Leasing, Inc., No. 3:22-CV-506-CRS, 2023 WL 6151237, at *3 (W.D. Ky. Sept. 20, 2023)
- Kentucky Farm Bureau Mut. Ins. Co. v. Ryan, 177 S.W.3d 797, 803 n.2 (Ky. 2005)