

SUPREME COURT OF VIRGINIA

Crocker v. Riverside Brick & Supply Co., Inc.

639 S.E.2d 214 (Va. 2007) · No. Record No. 060469 · Decided January 12, 2007

SUMMARY

The Supreme Court of Virginia held that a truck driver injured while assisting with the unloading of freight at a customer's facility was not the customer's statutory employee under the Virginia Workers' Compensation Act. Because unloading was the customer's sole responsibility and the driver's employer had no duty to unload the trailer, the customer was an "other party," and the driver's tort action was not barred by workers' compensation exclusivity.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Senior Justice Roscoe B. Stephenson, Jr.; Chief Justice Hassell; Justice Lacy; Justice Keenan; Justice Koontz; Justice Lemons; Justice Agee; Senior Justice Stephenson
JURISDICTION	Virginia
DECIDED	January 12, 2007
DOCKET	Record No. 060469
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed the Circuit Court of the City of Richmond's dismissal of her personal-injury action after the court sustained Riverside's plea in bar under the Virginia Workers' Compensation Act.
STANDARD OF REVIEW	The Supreme Court reviewed whether the trial court erred in ruling, as a matter of law, that the Workers' Compensation Act barred Crocker's tort action and that Riverside was her statutory employer.
PRECEDENTIAL VALUE	Published opinion; binding Virginia Supreme Court precedent.
PARTIES	Patricia M. Crocker v. Riverside Brick & Supply Company, Inc.

TOPICS

- workers compensation
- negligence
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Crocker was Riverside's statutory employee under Code § 65.2-302(A) because she assisted Riverside employees in unloading the delivered pallets.
2. Whether the Virginia Workers' Compensation Act barred Crocker's personal-injury tort action against Riverside.

HOLDINGS

1. Crocker was not Riverside's statutory employee because unloading the freight was solely Riverside's responsibility, and Crocker was engaged only in the business of Jevic.
2. The Workers' Compensation Act did not preclude Crocker's tort action against Riverside because Riverside was an "other party," not her statutory employer.

KEY QUOTATIONS

"We conclude that Stevens and Buffalo Shook Company are virtually indistinguishable from the present case and hold, therefore, that Riverside is an "other party" within the meaning of the Act." (639 S.E.2d at 218)

"In the present case, Crocker was not Riverside's statutory employee because, even though she endeavored to assist in unloading the pallets of stone, the unloading of the freight was the sole responsibility of Riverside." (639 S.E.2d at 218)

FACTUAL BACKGROUND

Crocker, a tractor-trailer driver employed by Jevic, delivered stone purchased by Riverside. Riverside employees were responsible for unloading the pallets, but Riverside employee Charlie Weeks directed Crocker to attach a strap hook to each pallet so a forklift could drag it to the trailer's tailgate. While Crocker was attaching the hook to the next-to-last pallet and moving toward the trailer's tailgate, Weeks began dragging it before she exited; a board broke from the pallet and struck her.

PROCEDURAL HISTORY

Crocker filed a motion for judgment alleging that Riverside employees negligently caused her injuries while unloading a delivery. Riverside asserted that the Workers' Compensation Act barred the action because Crocker was Riverside's statutory employee. The trial court agreed, sustained Riverside's plea in bar, and dismissed the action; the Supreme Court of Virginia awarded Crocker an appeal.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the trial court for further proceedings.

CASES CITED

- Peck v. Safway Steel Products, Inc., 262 Va. 522, 551 S.E.2d 328 (2001)
- Stevens v. Ford Motor Co., 226 Va. 415, 309 S.E.2d 319 (1983)
- Buffalo Shook Co. v. Barksdale, 206 Va. 45, 141 S.E.2d 738 (1965)

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