

ARKANSAS COURT OF APPEALS, DIVISION IV

Alfredo Martinez v. Reliable Poultry, LLC, and Reliable Poultry Supply, Inc.

Martinez, 2026 Ark. App. 313 (Ark. Ct. App. 2026) · No. CV-24-29 · Decided May 20, 2026

SUMMARY

The Arkansas Court of Appeals affirmed summary judgment for a general contractor in a negligence action brought by an employee of a subcontractor who was injured in a fall at a construction site. The court held that the general contractor owed no heightened duty because it did not retain sufficient control over the subcontractor’s work or assume additional safety obligations through its contracts. The court dismissed the cross-appeal concerning whether Tennessee workers’-compensation law applied as moot.

CASE DETAILS

COURT	Arkansas Court of Appeals, Division IV
WRITING FOR THE COURT	Raymond R. Abramson; Murphy, J.; Brown, J.
JURISDICTION	Arkansas Court of Appeals, Division IV
DECIDED	May 20, 2026
DOCKET	CV-24-29
DISPOSITION	other
PROCEDURAL POSTURE	Martinez appealed the circuit court's grant of summary judgment to Reliable Poultry, LLC, on his negligence claim arising from injuries sustained while working as a subcontractor's employee. Reliable cross-appealed the denial of its earlier summary-judgment motion raising a Tennessee workers'-compensation immunity and choice-of-law argument.
STANDARD OF REVIEW	The court reviews a grant of summary judgment to determine whether genuine issues of material fact remain and whether the moving party is entitled to judgment as a matter of law, viewing the evidence in the light most favorable to the nonmoving party and resolving doubts and inferences against the moving party. Issues of law, including the existence of a duty, are reviewed de novo.
PRECEDENTIAL VALUE	published precedential opinion

PARTIES

Alfredo Martinez v. Reliable Poultry, LLC, Reliable Poultry Supply, Inc.

TOPICS

duty of care

negligence

construction law

appellate procedure

mootness

PRACTICE AREAS

torts

construction law

appellate procedure

QUESTIONS PRESENTED

1. Whether Arkansas law recognizes a duty by a general contractor to a subcontractor's employee beyond ordinary care and warning of unusually hazardous conditions.
2. Whether Reliable assumed a heightened duty by exercising control over job-site safety, issuing safety-related memoranda, or retaining the ability to inspect subcontractor work.
3. Whether the contract between Reliable and A&L Hernandez created a heightened duty by imposing OSHA-related or other safety obligations on Reliable.
4. Whether the court should replace Arkansas's categorical duty framework for general contractors with an approach based on relationship and foreseeability.
5. Whether Reliable's cross-appeal concerning Tennessee workers'-compensation immunity and choice of law was moot after affirmance on the direct appeal.

HOLDINGS

1. Under Arkansas law, a general contractor owes a subcontractor's employees the duty to exercise ordinary care and the duty to warn of unusually hazardous conditions affecting their welfare, but does not owe a heightened duty absent a legally sufficient retention or assumption of control over the relevant work or safety activities.
2. General contractual safety requirements, safety memoranda concerning reporting injuries, housekeeping, alcohol, and trailer condition, and the ability to inspect work do not create a heightened duty when they do not give the general contractor actual control over the subcontractor employees' work or safety practices.
3. The contract between Reliable and A&L Hernandez did not create a heightened duty because it expressly left decisions about when, where, and how the work was performed to the subcontractor and assigned responsibility for employee safety equipment and training to the subcontractor.
4. The court declined to replace Arkansas's established categorical duty framework for general contractors with an analytical approach based primarily on relationship and foreseeability because an intermediate appellate court cannot overrule controlling Arkansas Supreme Court precedent.
5. The cross-appeal concerning Tennessee workers'-compensation immunity and choice of law was moot because Reliable obtained affirmance on the direct appeal and presented the cross-appeal only as an

alternative ground for affirmance.

KEY QUOTATIONS

“The caselaw could not be more clear that in Arkansas, a general contractor has only “the duty to exercise ordinary care” toward the employees of a subcontractor as well as “the duty to warn of unusually hazardous conditions that might affect the welfare of the subcontractor’s employees.”” (4)

“No duty of care exists unless there is such a retention of a right of supervision by the prime contractor that the independent contractor is not entirely free to do the work his own way.” (10)

“A case is moot when any judgment rendered would not have any practical legal effect upon a then existing legal controversy.” (12)

FACTUAL BACKGROUND

Reliable Poultry, LLC, was hired as general contractor to construct poultry houses and subcontracted framing work to A&L Hernandez Construction LLC. Alfredo Martinez, an A&L Hernandez employee, fell from a roof when a piece of lumber broke; he was not using fall protection or a safety harness and became paralyzed. Martinez received more than \$1 million in Tennessee workers'-compensation benefits and then sued Reliable and Reliable Poultry Supply, Inc. The undisputed evidence showed that A&L Hernandez controlled the manner of its employees' work and was responsible for their safety equipment and training.

PROCEDURAL HISTORY

Martinez filed suit in Washington County Circuit Court after receiving Tennessee workers'-compensation benefits for a fall that left him paralyzed. The court granted RPSI summary judgment and later granted Reliable summary judgment on the ground that Reliable owed Martinez no duty of care beyond the duties recognized under Arkansas law. Reliable cross-appealed the denial of its first summary-judgment motion, but presented the cross-appeal only as an alternative basis for affirmance. The court affirmed the direct appeal and dismissed the cross-appeal as moot.

DISPOSITION

other

CASES CITED

- Smith v. Hot Springs Prop. Mgmt. LLC, 2025 Ark. App. 223, 712 S.W.3d 378
- Keck v. Am. Emp. Agency, Inc., 279 Ark. 294, 652 S.W.2d 2 (1983)
- Hall v. Rental Mgmt., Inc., 323 Ark. 143, 913 S.W.2d 293 (1996)
- Thornton v. Ark. Valley Elec. Coop. Corp., 95 Ark. App. 151, 234 S.W.3d 915 (2006)
- Rodriguez v. Chakka, 2024 Ark. App. 224, 687 S.W.3d 592
- Franklin v. Osca, Inc., 308 Ark. 409, 825 S.W.2d 812 (1992)
- Gordon v. Matson, 246 Ark. 533, 439 S.W.2d 627 (1969)

- Jackson v. Petit Jean Elec. Coop., 270 Ark. 506, 606 S.W.2d 66 (1980)
- Williams v. Nucor-Yamato Steel Co., 318 Ark. 452, 886 S.W.2d 586 (1994)
- D.B. Griffin Warehouse, Inc. v. Sanders, 349 Ark. 94, 76 S.W.3d 254 (2002)
- Stoltze v. Ark. Valley Elec. Coop. Corp., 354 Ark. 601, 127 S.W.3d 466 (2003)
- Culhane v. Oxford Ridge, LLC, 2009 Ark. App. 734, 362 S.W.3d 325
- Crenshaw v. Ark. Warehouse, Inc., 2010 Ark. App. 612, 379 S.W.3d 515
- Henderson v. Tyson Foods, Inc., 2015 Ark. App. 542, 473 S.W.3d 52
- Duran v. Sw. Ark. Elec. Coop. Corp., 2018 Ark. 33, 537 S.W.3d 722
- Bennett v. Graves & Assocs., Inc., 2019 Ark. App. 99, 571 S.W.3d 528
- Elkins v. Arkla, Inc., 312 Ark. 280, 849 S.W.2d 489 (1993)
- Breckenridge v. Ashley, 55 Ark. App. 242, 934 S.W.2d 536 (1996)
- Stapleton v. M.D. Limbaugh Constr. Co., 333 Ark. 381, 969 S.W.2d 648 (1998)
- Scott v. AMEC Kamtech, Inc., 583 F. Supp. 2d 912 (E.D. Tenn. 2008)
- Arkansas Department of Human Services v. Ledgerwood, 2019 Ark. 100, 571 S.W.3d 1