

SUPREME JUDICIAL COURT OF MASSACHUSETTS

Fredette v. Simpson

440 Mass. 263 (2003) · Decided October 28, 2003

SUMMARY

The Massachusetts Supreme Judicial Court held that a corporate officer and employee was protected by the Workers’ Compensation Act’s coemployee immunity provision from negligence claims arising from a coworker’s workplace injury. The court concluded that the defendant acted in the course of employment when he provided equipment for the employer’s use and ordered the injured employee to repair it, regardless of when the equipment was purchased or who owned it. The court also held that the Act barred a proposed loss-of-consortium claim based on the compensable workplace injury.

CASE DETAILS

COURT	Supreme Judicial Court of Massachusetts
WRITING FOR THE COURT	Ireland, J.
JURISDICTION	Massachusetts
DECIDED	October 28, 2003
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed from the Superior Court's allowance of Simpson's motion for summary judgment on negligence claims and denial of a motion to amend the complaint to add Fredette's loss-of-consortium claim. The Supreme Judicial Court granted direct appellate review.
STANDARD OF REVIEW	Summary judgment is reviewed by asking whether, viewing the evidence in the light most favorable to the nonmoving party, all material facts have been established and the moving party is entitled to judgment as a matter of law. The appellate court may affirm on any ground supporting the judgment.
PRECEDENTIAL VALUE	Published opinion of the Massachusetts Supreme Judicial Court; precedential.
PARTIES	Barbara A. Fredette, David Tremblay v. A. Brace Simpson

TOPICS

- workers compensation
- negligence
- loss of consortium
- standard of review
- appellate procedure

PRACTICE AREAS

workers compensation

negligence

employment law

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether the Massachusetts Workers' Compensation Act's coemployee-immunity provision barred negligence claims against Simpson when his conduct occurred in the course of his employment and in furtherance of Shield's interests.
2. Whether the plaintiffs could maintain or add a loss-of-consortium claim based on an employee injury compensable under the Workers' Compensation Act.

HOLDINGS

1. The Workers' Compensation Act barred the plaintiffs' negligence claims because Simpson acted in the course of his employment when he provided the backhoe for Shield's use and ordered Tremblay to prepare it for work. The relevant inquiry is Simpson's employment-related conduct at the time of the accident, not when he acquired the equipment or who owned it.
2. The Workers' Compensation Act's exclusivity provision barred a loss-of-consortium action based on an employee injury compensable under the Act. Because Tremblay's injury was covered by the Act, Fredette could not maintain the claim, and the court affirmed without deciding whether Massachusetts would extend loss-of-consortium rights to unmarried partners.

KEY QUOTATIONS

"Workers' compensation is the exclusive remedy against employers and coemployees who commit tortious acts "within the course of their employment and in furtherance of the employer's interest." (266)

"An employee has acted in the course of employment whenever he has, on the employer's premises, engaged in conduct consistent with his contract of hire and pertinent or incidental to his employment." (266-267)

"The relevant inquiry with respect to claims against co-employees is not whether the coemployee owned the equipment that caused the injury, but whether, at the time of the injury, the coemployee acted in some way related to his or her employment." (267)

FACTUAL BACKGROUND

David Tremblay, a Shield Packaging employee, was severely and permanently injured on November 12, 1997, when a multipiece rim on a backhoe tire explosively separated while he was changing the tire at Shield's facility. A. Brace Simpson, Shield's vice-president in charge of operations and a one-third shareholder, had provided the backhoe for Shield's use and directed that it be prepared for work removing railroad ties on Shield property. Tremblay and Simpson were both Shield employees, and the plaintiffs alleged that Simpson negligently failed to warn Tremblay of the tire-rim danger, provide protective equipment, and properly train or supervise him.

PROCEDURAL HISTORY

After Tremblay was severely injured while repairing a backhoe tire at his workplace, the plaintiffs settled his workers' compensation claim against Shield Packaging and claims against other parties. They sued Simpson individually for negligence. The Superior Court granted Simpson summary judgment on the ground that the Massachusetts Workers' Compensation Act provided coemployee immunity and denied an earlier motion to amend the complaint to add a loss-of-consortium claim for Fredette. The Supreme Judicial Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Augat, Inc. v. Liberty Mut. Ins. Co., 410 Mass. 117, 120 (1991)
- Brown v. Nutter, McClellan & Fish, 45 Mass. App. Ct. 212, 216 (1998)
- Mulford v. Mangano, 418 Mass. 407, 409-412 (1994)
- Saharceski v. Marcure, 373 Mass. 304, 305-307 (1977)
- Mendes v. Tin Kee Ng, 400 Mass. 131, 134-135 (1987)
- Security Roofing & Constr. Co. v. United States, 163 F. Supp. 794, 796 (D. Mass. 1958)
- St. Germaine v. Pendergast, 411 Mass. 615, 627 (1992)
- Feliciano v. Rosemar Silver Co., 401 Mass. 141 (1987)
- Meade v. Ries, 642 N.W.2d 237, 244 (Iowa 2002)
- Blank v. Chawla, 234 Kan. 975, 982 (1984)
- Jackson v. Hutchinson, 453 S.W.2d 269, 270 (Ky. 1970)