

SUPREME COURT OF MISSOURI

State ex rel. Beutler, Inc. d/b/a George J. Shaw Construction Co. and Brian Henderson v. The Honorable Sandra C. Midkiff

No. SC98251 · No. SC98251 · Decided April 6, 2021

SUMMARY

The Supreme Court of Missouri, en banc, held that Beutler, Inc. was Joshua McArthur's statutory employer under Missouri's workers' compensation statutes despite the chain of subcontractors involved in the construction project. The Court further held that Brian Henderson, an employee of Beutler, was McArthur's statutory co-employee, so both defendants were immune from McArthur's negligence action under the workers' compensation exclusivity doctrine. The Court made its preliminary writ of prohibition permanent.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Paul C. Wilson; Draper, C.J.; Russell, J.; Powell, J.; Breckenridge, J.; Fischer, J.
JURISDICTION	Missouri
DECIDED	April 6, 2021
DOCKET	SC98251
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original proceeding in prohibition arising from the circuit court's denial of Shaw and Henderson's motion for summary judgment in McArthur's negligence action.
STANDARD OF REVIEW	The court resolved the statutory and immunity issues as legal questions on stipulated and agreed facts; no genuine factual dispute remained.
PRECEDENTIAL VALUE	Published en banc opinion of the Supreme Court of Missouri; precedential.
PARTIES	Beutler, Inc. d/b/a George J. Shaw Construction Co., Brian Henderson v. The Honorable Sandra C. Midkiff

TOPICS

workers compensation

construction law

writ of certiorari

statutory interpretation

constitutional law

PRACTICE AREAS

workers compensation

construction law

appellate procedure

statutory interpretation

constitutional law

QUESTIONS PRESENTED

1. Whether prohibition was an appropriate remedy because Shaw and Henderson were entitled to immunity as a matter of law under Missouri's workers' compensation exclusivity doctrine.
2. Whether section 287.040.4 applied to the relationship between C-Sharp Trucking and R&B Trucking so as to break the chain of contractor-subcontractor relationships and prevent Shaw from being McArthur's statutory employer.
3. Whether Shaw was McArthur's statutory employer under section 287.040.2 and whether Henderson was immune as McArthur's statutory co-employee under section 287.120.1.
4. Whether applying the statutory employment defense violated McArthur's constitutional right to a jury trial.

HOLDINGS

1. Prohibition is an appropriate remedy when a defendant is entitled to immunity as a matter of law, and the court may treat a petition styled as mandamus as a petition for prohibition.
2. Section 287.040.4 applies only to the relationship in which the for-hire motor carrier is the employer and the owner-operator is the contractor hired as a driver; it does not apply merely because an upstream entity in a subcontracting chain is an owner or operator.
3. Shaw was McArthur's statutory employer under section 287.040.2 because the chain of contractor-subcontractor relationships remained unbroken.
4. Henderson was immune from McArthur's negligence action as McArthur's statutory co-employee because Henderson was an employee of Shaw, McArthur's statutory employer.
5. Applying the statutory-employment defense to bar McArthur's negligence claims did not violate his constitutional right to a jury trial.

KEY QUOTATIONS

"However, "[w]hen a defendant is entitled to immunity as a matter of law, prohibition is an appropriate remedy." (at 3)

"The exception in section 287.040.4 applies only when the injured worker is a party to the relationship, not when someone upstream from the injured worker is a party." (at 6)

"The workers' compensation regime replaces an employee's cause of action against statutory employers." (at 8)

FACTUAL BACKGROUND

On September 30, 2016, Joshua McArthur, an employee of R&B Trucking, was injured while operating a dump truck at the Cerner Trails Campus construction project. Brian Henderson, an employee of Shaw, dropped an oversized load of wet clay, dirt, and boulders into McArthur's truck, propelling McArthur into the cab ceiling. McArthur received workers' compensation benefits from R&B Trucking and then sued Henderson and Shaw for negligence. R&B Trucking was a subcontractor to C-Sharp Trucking, which was a subcontractor to Shaw.

PROCEDURAL HISTORY

Joshua McArthur sued Brian Henderson and Beutler, Inc. d/b/a George J. Shaw Construction Co. for negligence after sustaining injuries while operating a dump truck on a construction project. Shaw and Henderson moved for summary judgment, asserting immunity under Missouri's workers' compensation exclusivity doctrine. The circuit court overruled the motion, concluding that the relationship between C-Sharp Trucking and R&B Trucking fell within the exception in section 287.040.4. Shaw and Henderson sought extraordinary relief, and the Supreme Court treated the requested mandamus relief as a prohibition proceeding and made its preliminary writ permanent.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

The preliminary writ of prohibition was made permanent, requiring the circuit court to vacate its order overruling Shaw and Henderson's motion for summary judgment and enter summary judgment in their favor.

CASES CITED

- State ex rel. Reg'l Convention v. Burton, 533 S.W.3d 223, 226 (Mo. banc 2017)
- State ex rel. Alsup v. Kanatzar, 588 S.W.3d 187, 190 (Mo. banc 2019)
- State ex rel. Chassaing v. Mummert, 887 S.W.2d 573, 577 (Mo. banc 1994)
- Vatterott v. Hammerts Iron Works, Inc., 968 S.W.2d 120, 121 (Mo. banc 1998)
- McCracken v. Wal-Mart Stores E., LP, 298 S.W.3d 473, 480 (Mo. banc 2009)
- De May v. Liberty Foundry Co., 37 S.W.2d 640, 647 (Mo. 1931)

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