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Traub Lieberman Partner Michael Logan and Associate Christian Romaguera Obtain Voluntary Dismissal in Favor of Construction Company Under the Vertical Immunity Doctrine

BY:

In a lawsuit filed in Orange County, Traub Lieberman Partner Michael Logan and Associate Christian Romaguera achieved a voluntary dismissal in favor of their Client, a construction company. The Plaintiff claimed that he was seriously and permanently injured, and demanded \$1,000,000.00. The Plaintiff turned out to be an employee of our Client's subcontractor, and the Plaintiff received worker's compensation benefits from his employer, the subcontractor. Under Florida Statute § 440.11(1), "The liability of an employer . . . shall be exclusive and in place of all other liability, including vicarious liability, of such employer to any third-party tortfeasor and to the employee . . ." When a subcontractor provides workers' compensation benefits to its injured employee, workers' compensation immunity would not only apply to the subcontractor but to the general contractor as well. This is also known as "vertical immunity." The Traub Lieberman team filed a detailed motion and memorandum of law to argue its case, and the Plaintiff voluntarily withdrew the claim against the Client just before that motion was set to be argued before the Judge.

Florida law also has a slightly different standard for "horizontal immunity," which has previously been analyzed by the Traub Lieberman team.