

SUMMARY STATEMENT

Patricia Marek, et al. v. Hecla Mining Co., et al.

Docket No. 43269

The Idaho Supreme Court upheld the Kootenai County District Court's grant of summary judgment to Hecla Mining Company, et al. (Hecla). The Court ruled that Marek's claims were governed by the Idaho Worker's Compensation Act; therefore, Marek's were barred from bringing a tort action against Hecla. The Court held that "willful or unprovoked physical aggression" in Idaho Code section 72-209(3) of the Idaho Worker's Compensation Act, required either a "willful," i.e., specific intent to harm, or "unprovoked," i.e., general intent to harm, and because there was no evidence of either standard being met, summary judgment was affirmed.