

SUMMARY STATEMENT
Kelly v. TRC Fabrication, LLC
Docket No. 47653

This case arises from a personal injury suit brought by Dale Kelly, an independent owner-operator of a semi-truck, and his wife against TRC Fabrication, LLC. Kelly hauled and delivered steel tubing to TRC, which TRC had purchased from Brown Strauss Steel Co. Kelly was then seriously injured when he was struck by the tubing as it was being unloaded by a TRC employee. Kelly and his wife filed suit against TRC, seeking to recover damages for negligence and loss of consortium. After TRC filed a motion seeking summary judgment, the district court granted the motion and dismissed the Kellys' complaint. The district court concluded that Idaho's worker's compensation law extended statutory immunity to TRC because TRC was Kelly's statutory employer under the Idaho Worker's Compensation Act. The Kellys appealed the district court's adverse ruling.

The Supreme Court held that the district court erred in concluding that TRC was Kelly's statutory employer. The Court concluded that because the underlying contract was for the sale of goods and that any services were only ancillary to the purchase of goods, TRC was not immune from liability as Kelly's statutory employer under Idaho's worker's compensation law. Accordingly, the Supreme Court reversed the district court's order granting summary judgment, vacated the judgment entered, and remanded the case for further proceedings.

******This summary constitutes no part of the Court's opinion. It has been prepared by court staff for the convenience of the public.******