

REXBURG, THURSDAY, NOVEMBER 7, 2024 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

SAUL ARELLANO,)	
)	Docket No. 49695
Plaintiff-Appellant,)	
)	
v.)	
)	
SUNRISE HOMES, INC., and)	
TRENT CHENEY,)	
)	
Defendants-Respondents.)	

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Madison County. Steven W. Boyce, District Judge.

Law Office of Jean Jorgensen, Idaho Falls, for Appellant.

Kirton McConkie, Idaho Falls, for Respondents.

This appeal concerns the application of the “willful and unprovoked physical aggression” exception to Idaho’s worker’s compensation exclusive remedy rule. Saul Arellano fell off a roof while working on a construction site in late autumn. He was not wearing fall protection equipment, and he suffered injuries to his feet, back, and neck because of the fall. Arellano had no construction experience when he was hired to assist Edgar Cuesta as part of a roofing contract for Sunrise Homes, LLC. He applied for worker’s compensation benefits after the fall. Because Cuesta did not have worker’s compensation insurance, Sunrise Homes worker’s compensation insurance covered Arellano’s claim as his statutory employer.

Arellano later filed a tort claim against Sunrise Homes and Trent Cheney (the owner of Sunrise Homes) for, among other claims, negligence, and negligence per se. Cheney and Sunrise Homes moved for summary judgment on Arellano’s tort claims, alleging that they were barred under the exclusive remedy rule. Arellano countered that his claims fell within the “willful and unprovoked physical aggression” exception to the exclusive remedy rule because he raised a genuine issue of material fact regarding whether Cheney and Sunrise Homes engaged in conduct knowing that Arellano’s injury or death was substantially likely to occur because he was working on a roof in frosty conditions without fall protection equipment. The district court granted summary judgment to Sunrise Homes, finding that Arellano had not established that his claims fell within the exception to the exclusive remedy rule.

Arellano timely appealed the district court's decision. On appeal, he maintains that the district court erred when it granted summary judgment to Sunrise Homes because he raised a genuine issue of material fact regarding whether Cheney and Sunrise Homes engaged in conduct knowing injury or death to Arellano was substantially likely to occur.