

BOISE, WEDNESDAY, JUNE 15, 2022, AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

MITCHELL SMITH, an individual,)	
)	Docket No. 48900
Plaintiff-Appellant,)	
)	
v.)	
)	
EXCEL FABRICATION, LLC,)	
an Idaho limited liability company,)	
)	
Defendant-Respondent.)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Benjamin J. Cluff, District Judge.

Hepworth Holzer, LLP, Boise, for appellant.

Hawley Troxell Ennis & Hawley, LLP, Pocatello, for respondent.

This case involves the “exclusive remedy rule” established by Idaho’s worker’s compensation statutory scheme. Mitchell Smith (Smith) was employed at Amalgamated Sugar Company (Amalgamated) in Nampa, Idaho when he was injured after falling from a flight of stairs when the handrail gave out. Excel Fabrication, LLC (Excel), a third party hired by Amalgamated, had constructed the flight of stairs and the handrail. Amalgamated paid Smith worker’s compensation benefits. Smith then brought suit against Excel as a third party, alleging that Excel was negligent in its construction of the staircase. Excel moved for summary judgment, arguing that it was a “statutory co-employee” with Smith and that Excel was shielded from liability by the exclusive remedy rule.

The district court first concluded that Amalgamated was a category one statutory employer of Excel. The district court next concluded that, because Amalgamated was a common employer of both Smith and Excel, Excel was immune from tort liability pursuant to the exclusive remedy rule. The district court granted Excel’s motion for summary judgment and dismissed the case. Smith timely appealed.