

Obtained Summary Judgment in Favor of Insurer

SmithAmundsen represents the insurer of a heavy equipment leasing company who filed a subrogation action to recover monies paid to its insured for the loss of its 1300 ton specialized crane. Initially, the crane was to be leased manned, however, as the project was a union project and the heavy equipment leasing company was non-union, the employees of the heavy equipment leasing company were required to go on the payroll of the general contractor who leased the crane, and become temporary members of the union, in order to perform work with the crane on the project. After extensive briefing, the court granted summary judgment in our client's favor on the issue of employment, finding the heavy equipment leasing company's employees to be the borrowed servants of the general contractor as a matter of law at the time of the loss. This ruling was instrumental in the resolution of this claim.

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