

Successfully Settled a Wrongful Death Claim Involving an Independent Contractor on Call for Pest Control Duties for a Homeowners Association

SmithAmundsen successfully settled a wrongful death claim involving an independent contractor on call for pest control duties for a homeowners association. The plaintiff's estate brought suit alleging wrongful death and a survival action against the homeowners association and maintenance worker on duty at the time of the alleged incident. The plaintiff's estate argued that the homeowners association was vicariously liable through the maintenance worker for allowing the plaintiff's decedent to enter a stormwater drainage manhole where the plaintiff aspirated due to lack of oxygen. The defendant, a homeowners association, argued that both the plaintiff's decedent was outside the scope of his employment and that the maintenance worker was never authorized to enter the manhole on the date of the incident. The matter was settled through a successful mediation.

PROFESSIONALS

Sam Fino
Associate

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