

# **Bond Case Briefs**

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## **LIABILITY - MARYLAND**

### **Hancock v. Mayor and City Council of Baltimore**

**Court of Appeals of Maryland - August 15, 2022 - A.3d - 2022 WL 3350854**

Estate of laborer who was employed by independent contractor and was buried alive while working at an excavation site filed a survivorship and wrongful death action against city which hired independent contractor to perform the excavation work and against subcontractor.

The Circuit Court granted city's and subcontractor's motions to dismiss, and estate appealed. The Court of Special Appeals affirmed. Estate filed a petition for writ of certiorari which was granted.

The Court of Appeals held that:

- As matter of first impression, one who hires independent contractor is not liable to an employee of that contractor for injuries caused by contractor's negligence in performing the work for which it was hired;
- As matter of first impression, city which hired independent contractor to perform excavation work did not owe laborer, who was independent contractor's employee, a duty in tort with respect to city's retention of independent contractor;
- As matter of first impression, subcontractor did not owe laborer a duty in tort to warn him of danger that subcontractor allegedly perceived; and
- As matter of first impression, duty of contractor or subcontractor on construction job to exercise due care to provide for protection and safety of the employees of other contractors or subcontractors is owed with respect to conditions that contractor or subcontractor creates or over which it exercises control.