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**LIABILITY - DISTRICT OF COLUMBIA**

## Colbert v. District of Columbia

**District of Columbia Court of Appeals - November 16, 2023 - A.3d - 2023 WL 7807164**

Employee and his spouse filed suit against District of Columbia, seeking damages for negligence, vicarious liability, and loss of consortium related to worker's fall from the back of a sanitation truck being driven by a co-worker.

The Superior Court granted District's motion to dismiss. Plaintiffs appealed.

The Court of Appeals held that employee's claims against the District as a substitute defendant under the Non-Liability Act for a co-worker's alleged negligence were precluded by the exclusivity provision of the Comprehensive Merit Personnel Act (CMPA).

Employee's claims against the District of Columbia as a substitute defendant under the Non-Liability Act for a co-worker's allegedly negligent driving of a sanitation truck were precluded by the exclusivity provision of the Comprehensive Merit Personnel Act (CMPA), which barred employee suits against the District for compensable workplace injuries; the Non-Liability Act did not create an exception to the exclusivity provision of the CMPA.

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