

Bond Case Briefs

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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.