



News

Law360: "Take-Home COVID" Case Handled by Hinshaw One of Nation's Top Personal Injury Cases to Watch

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A bellwether case being handled by Hinshaw partner William Bogdan was recently identified by *Law360* as one of the top five most influential personal injury cases to watch in the second half of 2022. *Corby Kuciemba et al. v. Victory Woodworks Inc.* had been the first "take-home COVID" lawsuit to reach a federal appellate court. Hinshaw had originally secured dismissal of the case in U.S. District Court on three grounds: workers' compensation exclusive remedy, implausibility, and lack of duty. The case was subsequently appealed to the Ninth Circuit.

The Ninth Circuit has now certified two questions to the California Supreme Court, which will help determine whether companies can be held liable for not preventing COVID-19 from spreading to an employee's household. In submitting the questions to the state high court, the Ninth Circuit identified the case as one of "significant public importance for the state of California."

The Supreme Court will now determine: 1) If an employee contracts COVID-19 at the workplace and brings the virus home to a spouse, is the spouse's claim blocked by California's derivative injury doctrine?; and 2) Does an employer owe a duty under state law to the households of its employees to prevent the spread of COVID-19?

[Read the full *Law360* article](#) (*subscription required*)

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