



## News

### "Take-Home COVID" Case Handled by Hinshaw Named by Law360 as one of its Top Five Personal Injury Cases to Watch in 2023

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*Law360* recently identified a bellwether case being handled by Hinshaw partner William Bogdan as one of the nation's top five most influential personal injury cases to watch in 2023. *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. The defendant company claims that allowing such a suit would result in "crushing, unending COVID-liability" for businesses in 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?

Courts in California have been ruling not only inconsistently with decisions in other jurisdictions, but inconsistently with decisions within the same courthouse, emphasizing the impact the *Kuciemba* holding will have.

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

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