



News

William Bogdan's California Supreme Court Win in "Take-Home COVID" Case Lauded by Business Groups and Press Commentators

July 13, 2023

Hinshaw partner William Bogdan recently authored a byline in *The Recorder* discussing his recent win at the California Supreme Court in a bellwether "take-home COVID" case. The court ruled in favor of firm client, Victory Woodworks Inc., deciding that employers in the state are not legally responsible for preventing the spread of COVID-19 from their employees to the employees' family members. The ruling received significant media coverage in publications that include the *Los Angeles Times*, *Reuters*, *Law360*, and *American Lawyer*.

The court answered "no" to two certified questions posed by the Ninth Circuit regarding take-home COVID: Does California's workers' comp law bar COVID-19 injury claims lodged by an employee's spouse? And do employers have a duty to protect a worker's household relatives from coronavirus infections? In the Court's unanimous ruling, Associate Justice Carol Corrigan stated that "recognizing a duty of care to nonemployees in this context would impose an intolerable burden on employers and society in contravention of public policy."

In his byline, Bogdan noted that "the [California] Supreme Court determined for the first time that the consequences to the community, and specifically to the courts, would be too great to justify imposing a duty. The court realized that to rule otherwise would allow anyone infected to file suit so long as that person lived with someone who had a job."

[Read Bogdan's full byline](#)

"A Pair Beats Four of a Kind: Take-Home COVID and the 'Rowland' Duty Factors" was published by *The Recorder* on July 12, 2023.

Media Coverage

[Los Angeles Times, "California high court: Employers not responsible for COVID spread to workers' families" \(subscription required\)](#)

[Law360, "Calif. Justices' COVID Liability Rule Right Call, Attys Say" \(subscription required\)](#)

[San Francisco Chronicle, "Employers can't be sued by workers' spouses over COVID exposure, state Supreme Court rules" \(subscription required\)](#)

Attorneys

William A. Bogdan

Service Areas

Complex Tort & General
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[Reuters](#), "Employers can't be sued by workers' spouses over COVID exposure, state Supreme Court rules"

[Los Angeles Daily News](#), "Employers don't have to protect workers' families from COVID, California high court rules"

[American Lawyer Magazine](#), "Employers Not Liable for Exposing Workers' Families to COVID, California Supreme Court Says" (*subscription required*)

[SHRM](#), "Employer Not Liable for Allegedly Spreading COVID-19 to Employee's Wife" (*subscription required*)

[Law360](#), "'Take-Home' COVID Won't Be A Thing, Calif. Justices Decide" (*subscription required*)

[Business Insurance](#), "Calif. employers not liable for COVID spread to family members"

[McKnights Long Term Care News](#), "CA Supreme Court backs employers in 'take-home' COVID case"

[LegalDive](#), "Employers not liable for employees taking COVID-19 home to family"

[ABA Journal](#), "Employers not liable for spread of COVID-19 to workers' homes, California high court says"

[Northern California Record](#), "Employers can't be sued if their workers' spouses catch Covid: California Supreme Court"

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