

NORTH CAROLINA Lawyers Weekly

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Workplace death leads to \$9.13M settlement

■ Bill Cresenzo

The family of a man who died in a workplace accident during his first assignment working for a temp agency has confidentially settled a worker's compensation



Will Owen



Eddie Musselwhite

claim and a negligence lawsuit against the company for whom he was working for a total of \$9.13 million, the family's attorneys report.

Will Owen and Eddie Musselwhite of Musselwhite, Branch & Grantham in Lumberton said the accident happened in May 2018. The victim, whose name was withheld pursuant to a confidentiality agreement, was in his first day of employment with the

temporary agency when the accident occurred.

Due to the confidentiality agreement, other details about the case, including the nature of the incident that led to the man's death, the location of the incident, and the identities of the defendants and their attorneys, were also unavailable.

The family settled a worker's compensation claim with the temp agency for \$130,000 and filed a lawsuit against the company for whom he was working.

Owen said that the company raised a defense of contributory negligence and argued that the victim was a "borrowed servant," who was working as its employee, not the temporary agency's employee, at the time of the accident, and therefore the family was eligible only for worker's compensation and

could not bring a third-party claim against the company.

Nevertheless, the company ultimately settled with the man's family for \$9 million in an agreement reached on July 30, Owen said. Steve Farlow of Accident Reconstruction Analysis in Raleigh served as an expert witness for the family.

SETTLEMENT REPORT - NEGLIGENCE

Amount: \$9.13 million

Injuries alleged: Death

Case name: Confidential

Court: Confidential

Date of settlement: July 30

Most helpful experts: Steve Farlow of Raleigh (accident reconstruction)

Attorneys for plaintiff: Will Owen and Eddie Musselwhite of Musselwhite, Musselwhite, Branch & Grantham in Lumberton

Attorney for defendant:

Withheld