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The Common Enterprise Defense is Alive and Well, But Still Not Without Limits

OLWK Attorneys Brian McSherry and Lance Meyer recently co-authored an article regarding the Minnesota Supreme Court's decision in *Kelly v. Kraemer Constr., Inc.*, in which the court broadly applied the common-enterprise defense after a twenty-year hiatus. As discussed in a previous post, the Kelly Court held that a general contractor hired to repair two bridges and the subcontractor it hired to assist with the project were engaged in a common enterprise for purposes of the election-of-remedies provision of the Minnesota Workers' Compensation Act ("MWCA")—Minn. Stat. § 176.061—such that the family of an employee of the general contractor killed during the project was precluded from bringing a negligence action against the subcontractor. [Read the article here](#).