



News & Updates

SUPERIOR COURT OF PENNSYLVANIA REAFFIRMS NO BAR TO SUING EMPLOYER

In 2013, the Pennsylvania Supreme Court in *Tooev v. AK Steel Corp.*, 81 A.3d 851 (Pa. 2013), held that the workers' compensation exclusivity statute, which involved injuries that developed within 300 weeks of the last date of employment, did not bar claims against an employer by someone who was diagnosed with an asbestos-related disease beyond the 300 week period. This week, the Pennsylvania Superior Court remanded an asbestos case where the lower court decided, before the *Tooev* decision, that the plaintiff's claim against the employer was barred. In light of the *Tooev* decision, the Superior Court remanded the case, stating: "In granting PPG's motion for judgment on the pleadings, the trial court relied on *Sedlacek*, which was subsequently abrogated by *Tooev*. Plaintiffs allege that Mr. Partner's workplace exposure ended by 1995 and he was diagnosed with mesothelioma in 2007, a period greater than 300 weeks. If these allegations are true, his claims would not fall within the purview of the Act, and he would not be barred from bringing a common law cause of action alleging PPG's negligence."

Read the full decision here .

If you have questions about how this decision may impact your business, please contact:

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Or another member of Goldberg Segalla's Toxic Torts Practice Groups

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