New case notes and case discussions from new lead author David Stechow found in the 2020 edition of Construction Accident Litigation include:

- Supreme Court of Washington held broadly “that the general contractor’s ‘general supervisory functions were sufficient to establish control,’ of a workplace and further that “if a general contractor has the authority to supervise a given area, then it must ensure that area is safe.” The Court also held that “a general contractor with supervisory authority over an area must ensure that the area is safe regardless of whether the general contractor is present—-a general contractor cannot shirk its duties merely by vacating the premises.” And that in addition to direct liability, a general contractor can be vicariously liable for its subcontractor’s negligence. However, a general contractor who retains a right to exercise control will not be vicariously liable unless the plaintiff proves that some entity on the job site was negligent, but “if the Plaintiff can do that, then the general contractor will be vicariously liable for that negligence.” Vargas v. Inland Washington, § 4:18.

- Supreme Judicial Court of Massachusetts, in a negligence action against the manufacturer of a steam turbine generator that allegedly exposed workers to asbestos, held that the Statute of Repose “eliminates a cause of action at a specified time, regardless of whether an injury has occurred or a cause of action has accrued as of that date[,]” in fact, placing “an absolute time limit on the liability of those within its protection and abolishes a Plaintiff’s cause of action thereafter, even if the Plaintiff’s injury does not occur, or is not discovered, until after the statute’s time limit has expired.” The Court wrote that the effect of the statute is to abolish the remedy, not merely to bar the cause of action, declining to find implied exceptions to the statute for gross negligence, wanton conduct or even known and intentional wrongdoing. Stearns v. Metropolitan Life Ins Co., § 2:14.

- Supreme Court of Mississippi, which previously adopted the seven factor Hanna test to determine whether engineers had supervisory duty outside the provisions of a contract (common law duty) to warn of dangerous conditions on work site, held that P failed to satisfy the Hanna factors where P argued only that engineer knew of dangerous condition which caused his injury, which knowledge by itself did not satisfy any of the Hanna factors. Waltman v. Engineering Plus, Inc., § 2:9.