



MIGUEL SUAREZ V. PACIFIC NORTHSTAR MECHANICAL, INC. (2010)
(COURT OF APPEALS, CERTIFIED FOR PUBLICATION)

75 CCC 33, 180 Cal. App. 4th 430. *Provided by Lawrence Moore from the Oakland/Sacramento offices.*

The Court of Appeal in a published decision ruled that on a multi-employer construction worksite a subcontractor, which did not create but was aware of a non-obvious hazard on the jobsite, had a duty and thus potential third party liability to the employee of another contractor on the jobsite. While neither common law nor the applicable sub-contract agreement created a duty to take affirmative action to protect other contractor's employees from a dangerous condition which it did not create and was not responsible for correcting, the subcontractor with such knowledge had a statutory duty of care created by LC Section 6400 and Cal. Code Regs. Title 8 Section 336.11 to report such a hazard to the controlling, creating or correcting contractors.