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Chamber Goes to Court for Employers – and Wins!

FRANKFORT, Ky. (August 27, 2007) – The Supreme Court of Kentucky has upheld the major arguments made by the Kentucky Chamber of Commerce in deciding the *Rehm v. Navistar International Corporation* case. The Kentucky Chamber of Commerce, through its litigation committee, joined with other business groups and filed an amicus brief with the court in January of 2006 to protect the current system of workers' compensation and to prevent a litigation crisis for employers.

In *Rehm v. Navistar*, the plaintiff was a contract worker who suffered from asbestos-related injuries, possibly sustained at multiple locations. At issue was whether the plaintiff could sue each company separately in the case in addition to or in lieu of obtaining workers' compensation benefits.

The Chamber's brief argued that no civil action could be permitted under Kentucky law and that the workers' compensation benefits are rightfully the exclusive remedy in such situations. Exposing employers to the risks and costs of the tort system would force employers to pay twice for the same liability. Workers' compensation laws were designed to provide a substitute for – not a supplement to – the tort system in the field of workplace injury.

In a unanimous opinion, the Court upheld the Chamber's arguments. Under Kentucky law, a contractor whose work is "regular" or "recurrent" is compensated by the state's workers' compensation program and cannot sue the companies separately under tort liability.

Kentucky Chamber President and CEO Dave Adkisson applauded the ruling.

"This decision ensures fairness for both injured workers and employers. Workers are compensated quickly and fairly based on a scale set forth by the Kentucky General Assembly and employers have a predictable risk," said Adkisson.

The Kentucky Chamber's public affairs team, under the direction of its members and board of directors, actively monitors legislation, regulations and court decisions that may threaten the way Kentucky companies do business.

"We are proactive and aggressive in identifying opportunities to advance the business climate and well as protecting business from adverse decisions by government officials, no matter in which branch of government they serve," said Adkisson.

About the Kentucky Chamber of Commerce

From its beginnings in 1946 as a bipartisan voice for business at the state Capitol, the Kentucky Chamber of Commerce has evolved into the premier business association in the state. Today the Chamber represents more than 12,000 business leaders — from Fortune 500 companies and family-owned shops — which share a strong interest in the state's economic future. Kentucky employers benefit from a broad range of services offered through Chamber membership: year-round lobbying, timely communications on business issues, publications and seminars on evolving regulations and policies, and a variety of other member benefits.

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