

SUMMARY JUDGMENT AFFIRMED BY WYOMING SUPREME COURT BASED ON LACK OF PROXIMATE CAUSE

Joshua Kent Collings v. Alan Lords, 2009 WY 135 (11/6/09)

Lords hired Collings to help restore a house. Collings injured his hand while using Lords' table saw to make a dado cut. While cutting a “test board”, the materials kicked back and threw Collings’ hand into the blade. Collings alleged negligence against Lords for failure to warn and the failure to require Collings to read safety portions of the table saw manual. The Supreme Court affirmed summary judgment against Collings based upon a lack of evidence to support a question of material fact concerning proximate causation.

Citing a litany of prior decisions defining the necessary element of proximate cause in the context of a negligence action, the Court took note of Collings’ experience as a cabinet maker and carpenter with knowledge of the potential dangers involved in using dado blades. In the past Collings had taken precautions, such as the use of push sticks, to keep his hands clear of the blades. Since the only person in a position to maintain proper alignment necessary to avoid material binding is the saw operator and since Lords was not present when the accident occurred, the Court found that there was no issue of material fact concerning any claim of causation against Lords.

Ray Martin handled this case.