

IN THE UTAH COURT OF APPEALS

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Brian Chapman,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Plaintiff and Appellant,	)	
	)	Case No. 20090248-CA
v.	)	
	)	
Travis G. White, Paul Waite,	)	F I L E D
and Craig F. Sorensen	)	(June 11, 2009)
Construction,	)	
	)	2009 UT App 157
Defendants and Appellees.	)	

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Third District, Salt Lake Department, 070902205  
The Honorable L.A. Dever

Attorneys: George T. Waddoups and Nancy A. Mismash, Salt Lake  
City, for Appellant  
Brian C. Webber, Salt Lake City, for Appellees

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Before Judges Bench, Davis, and McHugh.

PER CURIAM:

Brian Chapman appeals the district court's dismissal of his complaint as barred by the Utah Workers' Compensation Act (the Act). This matter is before the court on Craig F. Sorensen Construction's and Paul Waite's motion for summary disposition.

When reviewing whether the district court properly granted a motion to dismiss for failure to state a claim upon which relief may be granted, this court "accepts[s] the factual allegations in the complaint as true and consider[s] them, and all reasonable inferences to be drawn from them, in the light most favorable to the non-moving party." Coroles v. Sabey, 2003 UT App 339, ¶ 2, 79 P.3d 974. Dismissal under rule 12(b)(6) of the Utah Rules of Civil Procedure is warranted "only in cases in which, even if the factual assertions in the complaint were correct, they provide no legal basis for recovery." Mackey v. Cannon, 2000 UT App 36, ¶ 13, 996 P.2d 1081. The trial court's grant of a motion to dismiss is a question of law reviewed for correctness. See id. ¶ 9. Under the Act, workers' compensation for

injuries sustained by an employee, whether resulting in death or not, is the exclusive remedy against the employer and is the exclusive remedy against any officer, agent, or employee of the employer and the liabilities of the employer imposed by this chapter is in place of any and all other civil liability whatsoever.

Utah Code Ann. § 34A-2-105(1) (Supp. 2008).

If an employee's injury is "in any way contracted, sustained, aggravated, or incurred by the employee in the course of or because of or arising out of the employee's employment," an action may not be maintained against an employer or its employees. Id.

Chapman's complaint alleges that he was injured while working for Craig F. Sorensen Construction. Because the complaint alleges that Chapman's injury was sustained in the course of or because of his employment, Chapman's exclusive remedy against his employer and its employees is limited, by law, to workers' compensation benefits.

Accordingly, the district court's order dismissing Chapman's complaint is affirmed.

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Russell W. Bench, Judge

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James Z. Davis, Judge

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Carolyn B. McHugh, Judge