



OFFICE LOCATION

Ankin Law Office
162 W Grand Ave
Chicago, IL 60654

Tel: 312-346-8780
Fax: 312-346-8781

PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

Illinois court considers the applicability of the “logo liability doctrine”

3/10/2010

U.S. Bank v. Lindsey, 920 N.E.2d 515 (2009), is an unusual case recently handed down by the Illinois First Appellate District.

In this case, the Estate of a truck unloader killed when a truck backed into him brought negligence action against truck driver and the truck leasing company. The theory of liability against the truck leasing company was that it was liable pursuant to the “logo liability doctrine” and was thus vicariously liable for the actions of the other defendant, the truck driver.

One interesting aspect of this case was the defendant truck leasing company assertion of two defenses: 1) that the defendant truck driver was immune from liability pursuant to the operation of the *Workers’ Compensation Act* and thus the truck leasing company could not be vicariously liable and 2) the decedent and the truck driver were considered to be co-employees of the truck leasing company pursuant to the *Interstate Commerce Act* and thus the *Workers’ Compensation Act* prevented recovery in tort from the truck leasing company.

The Court rejected these arguments:

We hold that under the fact of this case that the employee relationship referred to between Lindsey and Carmichael, via logo liability, is a legal fiction that neither has an effect on nor is affected by the Act but, rather, is simply a designation by virtue of the *Interstate Commerce Act* for purposes of protecting the public. Carmichael’s assertion that it is immune from liability because decedent was a “statutory employee” must therefore fail.

In other words, the Court determined that “logo liability” under the *Interstate Commerce Act* usurped the conventional understanding



OFFICE LOCATION

Ankin Law Office
162 W Grand Ave
Chicago, IL 60654

Tel: 312-346-8780
Fax: 312-346-8781

PRACTICE AREAS

Workers Compensation

Personal Injury

Motor Vehicle Accidents

Wrongful Death

pursuant to Workers' Compensation Law. This ruling thus permitted a third-party case to proceed where it would not have otherwise been allowed under the Workers' Compensation Law. The unusual facts of this case resulted in a very interesting and atypical holding.