



## News

### Daily Journal Names "Take-Home" COVID Case Handled by William Bogdan One of The Top Defense Verdicts of 2023

February 22, 2024

Hinshaw & Culbertson LLP is pleased to announce that the highly publicized "take-home" COVID lawsuit successfully defended by partner William A. Bogdan for client Victory Woodworks Inc. has been selected by *The Daily Journal* as a "Top Defense Verdict" of 2023.

*The Daily Journal* annually publishes a list of the "largest and most significant verdicts and appellate reversals" in California state and federal courts. In 2023, more than 160,000 civil litigation cases were filed in California state court, and more than 26,000 civil litigation cases were filed in federal district court in California. *Kuciemba v. Victory Woodworks* was one of just 21 defense verdicts to receive recognition.

The groundbreaking *Kuciemba* case was selected for Bogdan's successful representation of an employer – the first case involving take-home COVID to be resolved in the courts. At issue was whether an employer has a duty to compensate infected strangers because they live with an employee whom they claim brought the virus home from work.

According to *The Daily Journal*:

[Prevailing in the case] required a revision in California's duty analysis that the team achieved through an odyssey from a state trial court to a federal district court to a federal appellate court to the state Supreme Court and back to the federal appellate court. *The upshot: employers do not owe a duty of care under California law to prevent the spread of COVID-19 to employees' household members* [emphasis added].

Had the courts ruled otherwise, Bogdan said that discussions with a network of defense counsel indicated that plaintiff lawyers were ready to launch a wave of copycat lawsuits. The significance of the potential liability was attested to by participation in the case by the U.S. Chamber of Commerce as *amicus curiae*.

Bogdan, who is based in Hinshaw's San Francisco office, represents companies on construction issues, employment litigation, and counseling. He frequently represents contractors in indemnity, injury, employment, and property damage matters. He also defends employers in many industries against workplace and compensation claims.

#### Attorneys

William A. Bogdan

#### Service Areas

Complex Tort & General  
Casualty

Labor & Employment

#### Offices

San Francisco



He is a member of the Bar Association of San Francisco, serves on the Legal Advisory Committee of the California Association of General Contractors, is a member of the State Bar Association of California's Labor & Employment Section, and was named a *National Law Journal* Litigation Trailblazer for 2023.