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DISTRICT OF COLUMBIA COURT OF APPEALS

No. 02-CV-919

JOAO RODRIGUES-NOVO, *et al.*, APPELLANTS,

v.

RECCHI AMERICA, INC., *et al.*, APPELLEES.

Appeal from the Superior Court of the
District of Columbia
(CA-3703-00)

(Hon. Linda K. Davis, Trial Judge)

(Argued September 10, 2003

Decided June 3, 2004)

Jeffrey Fenster for appellants.

Carolyn Israel Stein, with whom *Keith M. Bonner* and *Christopher P. Ferragamo* were on the brief, for appellees.

Before TERRY and STEADMAN, *Associate Judges*, and NEBEKER, *Senior Judge*.

PER CURIAM: Appellant Joao Rodrigues-Novos and his wife appeal from the trial court's grant of summary judgment for appellees on appellants' claim for negligence resulting from a construction site accident. The trial court relied on appellees' immunity from suit based on the status of each as a "statutory employer" under the Maryland Workers' Compensation Act. Md. Code Ann., Labor & Empl. § 9-509 (1991, 1999 Repl. Vol.). After resolving the other issues on appeal, we

certified to the Maryland Court of Appeals the question of law whether appellee Washington Metropolitan Area Transit Authority was such a statutory employer. *Rodrigues-Novo v. Recchi America, Inc.*, 838 A.2d 1135, 1136 (D.C. 2003). The Maryland court has answered that question in the affirmative. *Rodrigues-Novo v. Recchi America, Inc.*, 2004 Md. LEXIS 193, *5 (April 14, 2004).

On the basis of that response to the certified question and for the other reasons set forth in our order of certification, the judgment on appeal is

*Affirmed.*¹

¹ Any pending motions in this appeal are denied as moot.