

SUPREME COURT OF INDIANA

Shambaugh & Son, Inc. v. Carlisle

763 N.E.2d 459 (Ind. 2002) · No. No. 02S03-0010-CV-00602 · Decided March 1, 2002

SUMMARY

The Indiana Supreme Court reviewed the denial of summary judgment to defendants in a personal-injury action arising from an elevator's abrupt reversal and descent. The court held that the defendants had not established the absence of a genuine issue regarding proximate causation, including whether a false fire-alarm signal and alleged wiring negligence contributed to the injuries. The court also held that the defendants failed to eliminate factual issues concerning the plaintiffs' specific-negligence claims and affirmed the trial court's denial of summary judgment.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Indiana                                                                                                                                                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Dickson, Justice; Shepard, Chief Justice; Boehm, Justice; Rucker, Justice; Sullivan, Justice                                                                                                                                                                                                                                                                                                 |
| JURISDICTION          | Indiana                                                                                                                                                                                                                                                                                                                                                                                      |
| DECIDED               | March 1, 2002                                                                                                                                                                                                                                                                                                                                                                                |
| DOCKET                | No. 02S03-0010-CV-00602                                                                                                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Defendants appealed the trial court's denial of their motions for summary judgment in a personal-injury action. The Court of Appeals accepted an interlocutory appeal and reversed, directing entry of summary judgment for defendants. The Indiana Supreme Court granted transfer and reviewed the summary-judgment ruling.                                                                 |
| STANDARD OF REVIEW    | Summary judgment is reviewed under the same standard applied by the trial court. The movant must show that no genuine issue of material fact exists and that the movant is entitled to judgment as a matter of law. The evidence is construed in favor of the nonmoving party, alleged facts favorable to that party are accepted as true, and doubts are resolved against the moving party. |
| PRECEDENTIAL VALUE    | published precedential opinion of the Supreme Court of Indiana                                                                                                                                                                                                                                                                                                                               |
| PARTIES               | Shambaugh & Son, Inc., Koorsen Protective Service, Inc. v. David L. Carlisle, Mary L. Carlisle                                                                                                                                                                                                                                                                                               |

## TOPICS

summary judgment

proximate cause

negligence

evidence

appellate procedure

## PRACTICE AREAS

negligence

personal injury

construction law

civil procedure

appellate procedure

## QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment on the ground that their conduct was not a proximate cause of Carlisle's injuries because an elevator malfunction was an unforeseeable intervening and superseding cause.
2. Whether defendants were entitled to summary judgment against Carlisle's specific-negligence claims because the designated evidence established that defendants had not negligently performed any duty.
3. Whether defendants were entitled to summary judgment because Carlisle could not establish the exclusive-control element of *res ipsa loquitur*.

## HOLDINGS

1. Defendants were not entitled to summary judgment on proximate cause because the evidence, viewed in Carlisle's favor, supported a genuine issue whether a false fire-alarm signal precipitated the elevator's reversal and whether the elevator malfunctions were foreseeable rather than superseding causes.
2. Summary judgment was improper on the plaintiffs' specific-negligence claims because defendants did not carry their initial burden of eliminating determinative factual issues concerning whether they negligently performed their duties.
3. The court declined to address whether the evidence supported *res ipsa loquitur* because defendants did not argue that the trial court erred in failing to grant partial summary judgment on that issue.

## KEY QUOTATIONS

*"The court must accept as true those facts alleged by the nonmoving party, construe the evidence in favor of the non-movant, and resolve all doubts against the moving party."* (763 N.E.2d at 461)

*"For these reasons, the defendants have failed to establish the absence of any material issue in the plaintiffs' claim that the defendants' acts proximately caused David Carlisle's injuries."* (763 N.E.2d at 463)

*"Because Shambaugh and Koorsen do not carry their burden as parties seeking summary judgment to eliminate any determinative factual issues as to plaintiffs' claims of specific negligence, the plaintiffs need not come forward to establish the existence of a genuine issue for trial on its theory of specific negligence."* (763 N.E.2d at 464)

## FACTUAL BACKGROUND

David Carlisle, who used a wheelchair, was injured when an elevator abruptly reversed direction while ascending, causing him and the wheelchair to rise and then drop onto a walking cane lodged beneath him. Shambaugh had wired the building during construction, and Koorsen had supplied and participated in installing

the fire-alarm system that could place elevators into fire-service mode. Carlisle presented expert evidence that induced voltage from the fire-alarm wiring caused false alarm signals and that prior incidents involved unexpected entry into fire-service mode, sudden reversal, and rapid descent.

## PROCEDURAL HISTORY

The trial court denied summary-judgment motions filed by Shambaugh and Koorsen but authorized an interlocutory appeal. The Indiana Court of Appeals reversed and instructed the trial court to enter summary judgment for defendants. The Indiana Supreme Court granted transfer, automatically vacated the Court of Appeals opinion, and affirmed the trial court's denial of summary judgment.

## DISPOSITION

affirmed

## CASES CITED

- Shambaugh & Son, Inc. v. Carlisle, 730 N.E.2d 796 (Ind. Ct. App. 2000)
- Midwest Sec. Life Ins. Co. v. Stroup, 730 N.E.2d 163, 165 (Ind. 2000)
- Carie v. PSI Energy, Inc., 715 N.E.2d 853, 855 (Ind. 1999)
- Butler v. City of Peru, 733 N.E.2d 912, 915 (Ind. 2000)
- Cavinder Elevators, Inc. v. Hall, 726 N.E.2d 285, 290 (Ind. 2000)
- Mullin v. Mun. City of South Bend, 639 N.E.2d 278, 280-81 (Ind. 1994)
- Ind. Univ. Med. Ctr. v. Logan, 728 N.E.2d 855, 858 (Ind. 2000)
- Nat'l City Bank v. Shortridge, 689 N.E.2d 1248, 1250 (Ind. 1997)
- Hedrick v. Tabbert, 722 N.E.2d 1269, 1273 (Ind. Ct. App. 2000)
- Best Homes, Inc. v. Rainwater, 714 N.E.2d 702, 706 (Ind. Ct. App. 1999)
- Crull v. Platt, 471 N.E.2d 1211, 1214-15 (Ind. Ct. App. 1984)
- Shambaugh & Son, Inc. v. Carlisle, 741 N.E.2d 1257 (Ind. 2000)