

SUPREME COURT OF CALIFORNIA

DaFonte v. Up-Right, Inc.

2 Cal. 4th 593, 828 P.2d 140, 7 Cal. Rptr. 2d 238 (Cal. 1992) · No. S022331 · Decided May 4, 1992

SUMMARY

The California Supreme Court held that Civil Code section 1431.2 limits a third-party tortfeasor's liability for noneconomic damages to that defendant's proportionate share of fault, including when another responsible party is an employer immune from tort liability under workers' compensation law. The court reversed the Court of Appeal and remanded for recalculation of the judgment against Up-Right, Inc., including allocation of the workers' compensation benefit credit.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Baxter, J.; Lucas, C.J.; Mosk, J.; Panelli, J.; Kennard, J.; Arabian, J.; George, J.
JURISDICTION	California
DECIDED	May 4, 1992
DOCKET	S022331
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The California Supreme Court granted Up-Right's petition for review, limited to whether Civil Code section 1431.2 limits a tortfeasor's liability for noneconomic damages when other at-fault tortfeasors are not subject to suit.
STANDARD OF REVIEW	Statutory interpretation de novo, applying the statute's plain language and ordinary meaning.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; precedential
PARTIES	Mark DaFonte, a Minor, etc., Up-Right, Inc.

TOPICS

- products liability
- comparative fault
- workers compensation
- statutory interpretation
- personal injury

PRACTICE AREAS

- Torts
- Product liability
- Workers' compensation
- Statutory interpretation

QUESTIONS PRESENTED

1. Whether Civil Code section 1431.2 eliminates a third-party tortfeasor's joint and several liability for noneconomic damages attributable to the fault of an injured employee's employer, when the employer is immune from tort suit because of workers' compensation exclusivity.
2. Whether the judgment should be remanded for recalculation of the workers' compensation benefit credit and the resulting amount owed by Up-Right.

HOLDINGS

1. Civil Code section 1431.2 limits a third-party defendant's liability for noneconomic damages to the defendant's proportionate share of total fault, including fault attributable to an employer that is immune from tort liability.
2. The Court of Appeal judgment must be reversed and the case remanded for recalculation of the judgment against Up-Right consistent with section 1431.2 and the opinion's principles.

KEY QUOTATIONS

"In sum, section 1431.2 plainly limits a defendant's share of noneconomic damages to his or her own proportionate share of comparative fault." (at 604)

"The express purpose of Proposition 51 was to eliminate the perceived unfairness of imposing "all the damage" on defendants who were "found to share [only] a fraction of the fault."" (at 603)

FACTUAL BACKGROUND

Fifteen-year-old Mark DaFonte, an employee of Van Erickson Ranches, seriously injured his arm while attempting to clean a moving conveyor belt on a mechanical grape harvester. The harvester allegedly lacked a belt guard and an accessible emergency shutoff switch, and evidence showed inadequate safety instruction and supervision by the employer. Mark received \$23,676 in workers' compensation benefits and sued the manufacturer, Up-Right, for negligence and product defect. The jury allocated 15 percent fault to Mark, 45 percent to Van Erickson, and 40 percent to Up-Right.

PROCEDURAL HISTORY

A jury found Mark DaFonte 15 percent at fault, his employer Van Erickson Ranches 45 percent at fault, and Up-Right 40 percent at fault, and awarded economic and noneconomic damages. The trial court reduced the award for Mark's comparative fault and reduced Up-Right's noneconomic-damage liability by the employer's percentage of fault. The Court of Appeal modified the judgment, applying workers' compensation credits but holding that section 1431.2 did not eliminate Up-Right's joint and several liability for noneconomic damages attributable to the employer. The Supreme Court reversed and remanded for recalculation.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Appeal, after briefing and argument by the parties, must determine the amount of the judgment against Up-Right, Inc., including the proper allocation of the workers' compensation benefit credit, in a manner consistent with the principles expressed in the opinion.

CASES CITED

- Associated Construction & Engineering Co. v. Workers' Comp. Appeals Bd., 22 Cal. 3d 829, 150 Cal. Rptr. 888, 587 P.2d 684 (1978)
- Aceves v. Regal Pale Brewing Co., 24 Cal. 3d 502, 156 Cal. Rptr. 41, 595 P.2d 619 (1979)
- American Motorcycle Assn. v. Superior Court, 20 Cal. 3d 578, 146 Cal. Rptr. 182, 578 P.2d 899 (1978)
- Ambriz v. Kress, 148 Cal. App. 3d 963, 196 Cal. Rptr. 417 (1983)
- Arbaugh v. Procter & Gamble Mfg. Co., 80 Cal. App. 3d 500, 145 Cal. Rptr. 608 (1978)
- Brown v. Kelly Broadcasting Co., 48 Cal. 3d 711, 725, 257 Cal. Rptr. 708, 771 P.2d 406 (1989)
- Evangelatos v. Superior Court, 44 Cal. 3d 1188, 1196-1198, 1202-1205, 246 Cal. Rptr. 629, 753 P.2d 585 (1988)
- In re Halcomb, 21 Cal. 2d 126, 130, 130 P.2d 384 (1942)
- In re Lance W., 37 Cal. 3d 873, 886, 210 Cal. Rptr. 631, 694 P.2d 744 (1985)
- Kimmel v. Goland, 51 Cal. 3d 202, 208, 271 Cal. Rptr. 191, 793 P.2d 524 (1990)
- Li v. Yellow Cab Co., 13 Cal. 3d 804, 119 Cal. Rptr. 858, 532 P.2d 1226, 78 A.L.R. 3d 393 (1975)
- Paradise Valley Hospital v. Schlossman, 143 Cal. App. 3d 87, 191 Cal. Rptr. 531 (1983)
- People v. Garfield, 40 Cal. 3d 192, 199-200, 219 Cal. Rptr. 196, 707 P.2d 258 (1985)
- Rojo v. Kliger, 52 Cal. 3d 65, 73, 276 Cal. Rptr. 130, 801 P.2d 373 (1990)
- Roe v. Workmen's Comp. Appeals Bd., 12 Cal. 3d 884, 889, 117 Cal. Rptr. 683, 528 P.2d 771 (1974)
- Solberg v. Superior Court, 19 Cal. 3d 182, 198, 137 Cal. Rptr. 460, 561 P.2d 1148 (1977)
- Tiernan v. Trustees of Cal. State University & Colleges, 33 Cal. 3d 211, 219, 188 Cal. Rptr. 115, 655 P.2d 317 (1982)
- Witt v. Jackson, 57 Cal. 2d 57, 73, 17 Cal. Rptr. 369, 366 P.2d 641 (1961)