

SUPREME COURT OF RHODE ISLAND

Marshall Contractors, Inc. v. Bennington Iron Works

811 A.2d 1208 (R.I. 2002) · Decided December 27, 2002

SUMMARY

The Rhode Island Supreme Court reviewed Marshall Contractors, Inc.'s claim for indemnity and contribution against Bennington Iron Works arising from a worker's fall through a floor opening at a construction project. The Court held that, viewing the evidence in Marshall's favor, a reasonable jury could find that Bennington was negligent and contributed to the injury, and it therefore vacated the judgment for Bennington and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Per Curiam; Flanders; Goldberg; Lederberg; Ret; Weisberger; Williams
JURISDICTION	Rhode Island
DECIDED	December 27, 2002
DISPOSITION	vacated
PROCEDURAL POSTURE	Marshall appealed from a Superior Court judgment as a matter of law in favor of Bennington on Marshall's cross-claim for indemnity and contribution arising from a personal-injury action.
STANDARD OF REVIEW	The Supreme Court applies the same standard as the Superior Court when reviewing a judgment as a matter of law: the evidence must be viewed in the light most favorable to the nonmoving party, without weighing evidence or assessing witness credibility, and all reasonable favorable inferences must be drawn. Judgment as a matter of law must be denied if factual issues remain on which reasonable persons could reach different conclusions.
PRECEDENTIAL VALUE	published opinion
PARTIES	Marshall Contractors, Inc., d/b/a Algonquin Builders v. Bennington Iron Works

TOPICS

construction law

negligence

standard of review

appellate procedure

personal injury

PRACTICE AREAS

construction law negligence contracts appellate procedure

QUESTIONS PRESENTED

1. Whether the evidence, viewed in the light most favorable to Marshall, supported a reasonable jury finding that Bennington was negligent and that its negligence contributed to Ferguson's injury.
2. Whether the Superior Court properly entered judgment as a matter of law for Bennington on Marshall's cross-claim.

HOLDINGS

1. The evidence, viewed in the light most favorable to Marshall, was sufficient to support a reasonable jury finding that Bennington was negligent and that its negligence contributed to Ferguson's injury.

KEY QUOTATIONS

“If after such a review there remain factual issues upon which reasonable persons might draw different conclusions, the motion for judgment as a matter of law must be denied.” (811 A.2d at 1211)

FACTUAL BACKGROUND

Marshall was the general contractor and construction manager for a manufacturing facility project and hired Bennington to erect the project's steel. The subcontract required Bennington to perform with construction-industry skill and care, comply with applicable laws and regulations, and abide by contractor-established safety rules. Evidence indicated that the area where Ferguson fell was under the control of Bennington and Ajax Construction at the time of the accident, while Marshall had no physical presence there.

PROCEDURAL HISTORY

Daniel A. Ferguson sued Marshall and Bennington after falling through a hole in the floor of a building under construction. Marshall's cross-claim against Bennington was severed, and after multiple prior appeals and remands, the cross-claim proceeded to trial. The Superior Court entered judgment as a matter of law for Bennington. The Supreme Court of Rhode Island held that the evidence, viewed in Marshall's favor, could support a reasonable jury finding that Bennington was negligent and that its negligence contributed to Ferguson's injury.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The case was remanded to the Superior Court for further proceedings consistent with the opinion, including proceedings on the merits of Marshall's cross-claim against Bennington.

CASES CITED

- Ferguson v. Marshall Contractors, Inc., 644 A.2d 310 (R.I. 1994)
- Ferguson v. Marshall Contractors, Inc., 707 A.2d 660 (R.I. 1998)
- Ferguson v. Marshall Contractors, Inc., 745 A.2d 147 (R.I. 2000)
- Martino v. Leary, 739 A.2d 1181, 1182 (R.I. 1999)
- DeChristofaro v. Machala, 685 A.2d 258, 262 (R.I. 1996)
- Kelly v. Rhode Island Public Transit Authority, 740 A.2d 1243, 1247 (R.I. 1999)

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