

SUPREME COURT OF NEW HAMPSHIRE

MacKenzie v. Linehan, 158 N.H. 476

969 A.2d 385 (2009) · No. 2008-302 · Decided April 3, 2009

SUMMARY

The Supreme Court of New Hampshire reviewed the post-verdict judgment in a wrongful discharge and false imprisonment action brought by a deputy sheriff against the Rockingham County sheriff and county. The court affirmed judgment notwithstanding the verdict on the wrongful discharge claim, holding that the evidence did not support a public-policy basis for the termination, but reversed on the false imprisonment claim because a rational jury could find that the sheriff unlawfully confined the plaintiff by blocking the hearing-room door. Because the jury returned a general verdict, the court remanded for a new trial on the false imprisonment claim.

CASE DETAILS

COURT	Supreme Court of New Hampshire
WRITING FOR THE COURT	Dalianis, J.; Broderick, C.J.; Duggan, J.; Hicks, J.
JURISDICTION	New Hampshire
DECIDED	April 3, 2009
DOCKET	2008-302
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiff appealed the Superior Court's order granting defendants' motion for judgment notwithstanding the verdict or, alternatively, to set aside the verdict, overturning a \$500,000 jury verdict on wrongful termination and false imprisonment claims.
STANDARD OF REVIEW	A JNOV based on sufficiency of the evidence presents a question of law. The evidence must be viewed in the light most favorable to the nonmoving party, and JNOV is proper only when the sole reasonable inference overwhelmingly favors the moving party such that no contrary verdict could stand. On appeal, the court determines whether any rational trier of fact could have found the essential elements of the claim, without weighing evidence or assessing witness credibility.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of New Hampshire; precedential.

PARTIES

Jay A. MacKenzie v. Daniel Linehan, individually and as High Sheriff of Rockingham County, Rockingham County

TOPICS

wrongful termination

false imprisonment

appellate procedure

employment at-will

remedies

PRACTICE AREAS

employment law

torts

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether the trial court properly granted JNOV on MacKenzie's wrongful discharge claim because no rational juror could find that his termination was motivated by conduct protected by public policy.
2. Whether the trial court properly granted JNOV on MacKenzie's false imprisonment claim because Linehan had legal authority to detain MacKenzie during the disciplinary hearing.
3. Whether reversal of the false imprisonment JNOV required a new trial because the jury returned a general verdict and the reviewing court could not determine the basis for the \$500,000 award.

HOLDINGS

1. The trial court properly granted JNOV on the wrongful discharge claim because the evidence did not permit a rational juror to find that MacKenzie was terminated for refusing to lie, for expressing disagreement with management, or for protecting his off-duty time.
2. An employer's supervisory or employment relationship with an employee does not, by itself, provide legal authority to detain the employee in a disciplinary hearing room by physically blocking the door.
3. Because the jury returned a general verdict and the court could not determine whether the verdict or the damages award rested on the false imprisonment claim, the proper remedy was reversal and remand for a new trial on that claim.

KEY QUOTATIONS

"A motion for JNOV based upon the sufficiency of the evidence presents a question of law." (at 388)

"A party is entitled to JNOV based upon the sufficiency of the evidence only when the sole reasonable inference that may be drawn from the evidence, which must be viewed in the light most favorable to the nonmoving party, is so overwhelmingly in favor of the moving party that no contrary verdict could stand." (at 388)

"Public policy does not protect 'an employee's expression of disagreement with a management decision.'" (at 390)

"An essential element of the offense is the absence of valid legal authority for the restraint imposed." (at 391)

“Even if the plaintiff were still an employee and subject to defendant Linehan's supervision, this would not have given defendant Linehan the legal authority to detain him in the hearing room by physically blocking the door.” (at 391)

FACTUAL BACKGROUND

MacKenzie was a Rockingham County deputy sheriff who, while off duty, became involved with another deputy in an encounter with an apparently unstable man who had a bloody face and may have possessed a gun. After the man accused the deputies of assault, Sheriff Daniel Linehan investigated and suspended MacKenzie. Linehan terminated MacKenzie for violating the department's personal behavior rule, which applied on and off duty. During the termination hearing, Linehan physically blocked the door for approximately thirty seconds, preventing MacKenzie from leaving.

PROCEDURAL HISTORY

MacKenzie sued Linehan and Rockingham County for wrongful discharge and false imprisonment. The claims were tried to a jury, which returned a general verdict for MacKenzie and awarded \$500,000. The trial court later granted defendants' renewed directed-verdict motion, JNOV motion, and motion to set aside the verdict. The Supreme Court of New Hampshire affirmed the JNOV on wrongful discharge, reversed the JNOV on false imprisonment, and remanded for a new trial on that claim.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for a new trial on the false imprisonment claim.

CASES CITED

- Gowen v. Brothers, 121 N.H. 377, 380, 430 A.2d 159 (1981)
- Boynton v. Figueroa, 154 N.H. 592, 602, 913 A.2d 697 (2006)
- State v. Spinale, 156 N.H. 456, 464, 937 A.2d 938 (2007)
- State v. O'Neill, 134 N.H. 182, 184, 589 A.2d 999 (1991)
- Lacasse v. Spaulding Youth Ctr., 154 N.H. 246, 248, 910 A.2d 1262 (2006)
- Cloutier v. A & P Tea Co., Inc., 121 N.H. 915, 923-24, 436 A.2d 1140 (1981)
- Short v. School Admin. Unit 16, 136 N.H. 76, 84-85, 612 A.2d 364 (1992)
- Cilley v. N.H. Ball Bearings, Inc., 128 N.H. 401, 406, 514 A.2d 818 (1986)
- Tice v. Thomson, 120 N.H. 313, 318-19, 414 A.2d 1284 (1980)
- Hickox v. J.B. Morin Agency, Inc., 110 N.H. 438, 442, 272 A.2d 321 (1970)
- Welch v. Bergeron, 115 N.H. 179, 181, 337 A.2d 341 (1975)
- Randall's Food Markets, Inc. v. Johnson, 891 S.W.2d 640, 646 (Tex. 1995)

- *Fermino v. Fedco, Inc.*, 7 Cal. 4th 701, 30 Cal. Rptr. 2d 18, 872 P.2d 559, 572 (1994)
- *Branan v. Mac Tools*, No. 03AP-1096, 2004 WL 2361568, at *8 (Ohio Ct. App. Oct. 21, 2004)
- *Welch v. Gonic Realty Trust Co.*, 128 N.H. 532, 537, 517 A.2d 808 (1986)
- *Vachon v. New England Towing*, 148 N.H. 429, 435, 809 A.2d 771 (2002)
- *Todd v. South Carolina Farm Bureau Mut. Ins.*, 287 S.C. 190, 336 S.E.2d 472, 473-74 (1985)

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