

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
MISSISSIPPI

Vaughn Kelly, Sr. v. Kroger Limited Partnership I, CAC Operations
LLC, and Nolan Booth

Kelly · No. 3:24-cv-11-MPM-JMV · Decided June 15, 2026

SUMMARY

The court limits plaintiff Vaughn Kelly, Sr.’s negligence claims against Kroger at trial to Kroger’s alleged conduct on April 20, 2023, excluding claims based on Kroger’s earlier hiring of CAC Operations LLC. The court discusses the uncertainty under Mississippi law concerning negligent hiring of an independent contractor, the physical-harm limitation in Restatement (Second) of Torts § 411, and the evidentiary limitations concerning post-incident allegations about CAC’s towing practices.

CASE DETAILS

COURT	United States District Court for the Northern District of Mississippi
WRITING FOR THE COURT	Michael P. Mills
JURISDICTION	United States District Court for the Northern District of Mississippi
DECIDED	June 15, 2026
DOCKET	3:24-cv-11-MPM-JMV
DISPOSITION	other
PROCEDURAL POSTURE	The district court acted sua sponte to determine the status of plaintiff's negligent hiring claim against Kroger before trial.
STANDARD OF REVIEW	Not applicable; the court issued a sua sponte case-management and trial-limitation order.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value.
PARTIES	Vaughn Kelly, Sr. v. Kroger Limited Partnership I, CAC Operations LLC, Nolan Booth

TOPICS

- negligent hiring
- negligence
- hearsay
- relevance
- evidence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff had sufficient legal and factual support to pursue a negligent hiring claim against Kroger for selecting CAC as its independent towing contractor.
2. Whether plaintiff's negligence claims against Kroger should be limited at trial to Kroger's conduct in requesting the tow on April 20, 2023, rather than Kroger's earlier decision to hire CAC.
3. Whether online articles concerning CAC's later towing practices were hearsay as to CAC and irrelevant to Kroger's hiring decision, subject to the possible use of non-hearsay subsequent-bad-acts evidence under Federal Rule of Evidence 404(b).

HOLDINGS

1. Plaintiff failed to provide the necessary factual or legal support for a negligent hiring claim against Kroger, and the claim may not proceed at trial.
2. Plaintiff's negligence claims against Kroger are limited at trial to alleged negligent conduct by Kroger on April 20, 2023, and may not be based on Kroger's decision to hire CAC months earlier.
3. The online articles relied upon by plaintiff were hearsay as to CAC and irrelevant to Kroger's hiring decision because they were published after the April 2023 incident and after Kroger hired CAC; however, non-hearsay evidence of subsequent bad acts may potentially be admissible to show intent under Federal Rule of Evidence 404(b).

KEY QUOTATIONS

“Regardless of whether this is plaintiff’s preference or not, this court concludes that his negligence claims against Kroger in this case should, in fact, be limited at trial to his claims that Kroger acted negligently on April 20, 2023, and not to its hiring decision months earlier.” (Unpaginated order)

“It is clear to this court that plaintiff has failed to provide the necessary factual or legal support for such a negligent hiring claim against Kroger, and he will therefore be limited at trial to his negligence claims against Kroger based on its actions on April 20, 2023.” (Unpaginated order)

FACTUAL BACKGROUND

Kroger selected CAC as its exclusive towing provider and, on April 20, 2023, called CAC to tow Kelly's vehicle. Kelly sought to support a negligent hiring claim with evidence concerning CAC's towing practices in other cities and states, including online articles published after the incident and after Kroger hired CAC. The court found that the evidence did not adequately establish that Kroger knew or should have known of the alleged misconduct when it made the hiring decision and that the claim presented substantial legal and factual uncertainties.

PROCEDURAL HISTORY

Kelly asserted negligence claims arising from Kroger's request that CAC tow his vehicle, including a negligent hiring theory based on Kroger's selection of CAC as its exclusive towing provider. The court previously

continued the case to permit additional discovery concerning CAC's towing practices after plaintiff sought to introduce online articles about CAC. On its own motion, the court concluded that plaintiff lacked sufficient legal and factual support for negligent hiring and limited the claims that could proceed against Kroger at trial to negligence based on Kroger's conduct on April 20, 2023.

DISPOSITION

other

CASES CITED

- United States v. Webb, 625 F.2d 709, 710 (5th Cir. 1980)
- United States v. Myers, 550 F.2d 1036, 1044 n. 10 (5th Cir. 1977)
- United States v. Peterson, 244 F.3d 385, 392-93 (5th Cir. 2001)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-northern-district-of-mi/2026/vaughn-kelly-sr-v-kroger-limited-partnership-i-cac-cilubc9c>