

DISTRICT OF COLUMBIA COURT OF APPEALS

M. Pierre Equipment Company, Inc. v. Griffith Consumers Company

831 A.2d 1036 (D.C. 2003) · No. 01-CV-1476, 02-CV-303 and 02-CV-304 · Decided September 18, 2003

SUMMARY

The District of Columbia Court of Appeals affirmed a judgment awarding a settling tortfeasor pro rata contribution from a non-settling tortfeasor arising from a basement oil spill. The court held that a settling tortfeasor seeking contribution must establish the non-settling tortfeasor’s common liability and the reasonableness of the settlement. The court also upheld the trial court’s evidentiary rulings and denial of judgment as a matter of law and prejudgment interest.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Reid, Associate Judge; Farrell, Associate Judge; Newman, Senior Judge
JURISDICTION	District of Columbia
DECIDED	September 18, 2003
DOCKET	01-CV-1476, 02-CV-303 and 02-CV-304
DISPOSITION	affirmed
PROCEDURAL POSTURE	Griffith, a settling tortfeasor, brought a contribution action against Pierre, a non-settling alleged joint tortfeasor, after settling the homeowners' claims arising from a basement oil spill. Following a jury trial, the court entered judgment requiring Pierre to pay \$300,000, one-half of the \$600,000 amount the jury found reasonable for the settlement. The parties filed cross-appeals challenging the contribution standard, evidentiary rulings concerning damages and settlement reasonableness, denial of Pierre's motions for judgment as a matter of law, and denial of prejudgment interest.
STANDARD OF REVIEW	Legal issues concerning contribution were reviewed de novo. The appellate court was bound by the jury's factual findings unless the trial court had granted an appropriate and timely post-trial motion setting aside the verdict. Evidentiary rulings concerning relevance and damages were reviewed for grave abuse of discretion. A motion for judgment as a matter of law was proper only if there was no evidentiary foundation, including reasonable inferences viewed in the

	light most favorable to the opposing party, supporting a verdict for that party.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	M. Pierre Equipment Company, Inc. v. Griffith Consumers Company

TOPICS

torts negligence damages evidence prejudgment interest

PRACTICE AREAS

Torts Contribution Civil Procedure Evidence Remedies

QUESTIONS PRESENTED

1. In a contribution action by a settling tortfeasor against a non-settling tortfeasor, must the settling tortfeasor prove the non-settling tortfeasor's common liability and the reasonableness of the settlement?
2. Did the trial court properly exercise its discretion in admitting and excluding evidence concerning the damages and reasonableness of the settlement?
3. Was Pierre entitled to judgment as a matter of law on the evidence of negligence, proximate cause, and contributory negligence?
4. Was Griffith entitled to prejudgment interest on the settlement amount under D.C. Code § 15-108?

HOLDINGS

1. A settling tortfeasor bringing a contribution action against a non-settling tortfeasor in the District of Columbia has the burden of establishing the non-settling tortfeasor's liability to the injured person and the reasonableness of the settlement.
2. The trial court did not abuse its discretion in making evidentiary decisions concerning the damages relevant to the reasonableness of Griffith's settlement.
3. The trial court properly denied Pierre's motions for judgment as a matter of law because substantial evidence supported findings that Pierre was negligent, its negligence proximately caused the oil spill, and the Galstons were not contributorily negligent.
4. Griffith was not entitled to prejudgment interest because the amount owed was not a liquidated debt or an easily ascertainable sum certain before the jury rendered its \$600,000 verdict.

KEY QUOTATIONS

“We conclude that this instruction was proper, and we now hold that a settling tortfeasor who brings a contribution action against a non-settling tortfeasor in the District of Columbia has the burden of establishing the liability of the non-settling tortfeasor, and the reasonableness of its settlement with the injured person(s).”
(831 A.2d at 1039)

“There was no ‘sum certain’ until after the jury considered the evidence and rendered its \$600,000 verdict.”
(831 A.2d at 1041)

FACTUAL BACKGROUND

Pierre installed a natural-gas heating system in the Galstons' home but failed to remove, disable, or cap the existing oil-system intake piping and failed to obtain required District permits. Griffith later mistakenly delivered heating oil to the Galstons' home through the uncapped piping, causing an extensive basement oil spill that forced the homeowners to leave during remediation. Griffith settled with the Galstons for \$850,000, but the jury found that \$600,000 was the reasonable settlement value and found Pierre negligent and its negligence a proximate cause of the spill.

PROCEDURAL HISTORY

The Galstons settled their claims against Griffith for \$850,000 and assigned their claims against Pierre to Griffith. At trial, the jury found Pierre negligent and a proximate cause of the spill, found no contributory negligence by the Galstons, and found that only \$600,000 would have been a reasonable settlement amount. The trial court denied Pierre's motions for judgment as a matter of law and Griffith's motion for prejudgment interest, and entered judgment awarding Griffith \$300,000. The District of Columbia Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Hubbard v. Chidel, 790 A.2d 558, 567 (D.C. 2002)
- Jones v. Schramm, 141 U.S. App. D.C. 169, 172-73 n.11, 436 F.2d 899, 902 (1970)
- District of Columbia v. Washington Hosp. Ctr., 722 A.2d 332, 336 (D.C. 1998) (en banc)
- Martello v. Hawley, 112 U.S. App. D.C. 129, 131, 300 F.2d 721, 723 (1962)
- Automobile Underwriters Corp. v. Harrelson, 409 N.W.2d 688, 690 (Iowa 1987)
- Transport Ins. Co. v. Chrysler Corp., 71 F.3d 720, 722 (8th Cir. 1995)
- Traveler's Ins. Co. v. United States, 283 F. Supp. 14, 31 (S.D. Tex. 1968)
- Square 345 Assocs. Ltd. P'ship v. District of Columbia, 721 A.2d 963, 969 (D.C. 1998)
- Roundtree v. United States, 581 A.2d 315, 328 (D.C. 1990)
- City of Tucson v. Superior Court, 165 Ariz. 236, 798 P.2d 374, 380 (1990)
- Majeska v. District of Columbia, 812 A.2d 948, 950 (D.C. 2002)
- Pazmino v. Washington Metro. Area Transit Auth., 638 A.2d 677, 678 (D.C. 1994)
- Schwartz v. Swartz, 723 A.2d 841, 843 (D.C. 1998)
- District of Columbia v. Pierce Assocs., Inc., 527 A.2d 306, 311 (D.C. 1987)
- Nationwide Mutual Ins. Co. v. Bradby, Inc., Civil Action No. 89-1525, 1990 U.S. Dist. LEXIS 1729 (D.D.C. 1990)

- Hall v. Carter, 825 A.2d 954 (D.C. 2003)
- Lamphier v. Washington Hosp. Ctr., 524 A.2d 729, 733 (D.C. 1987)

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