

SUPREME COURT OF MONTANA

Victor and Marilyn Hinkle on behalf of Rockwell Hinkle, a minor v.
Shepherd School District #37, Jim Browning, and James "Shorty"
Horn

322 Mont. 80 (2004) · No. 02-772 · Decided July 1, 2004

SUMMARY

The Montana Supreme Court held that the district court incorrectly analyzed foreseeability by requiring the defendants to have foreseen the plaintiffs' particular injuries, rather than whether some injury to the plaintiff was foreseeable. The court nevertheless affirmed summary judgment for the defendants because the plaintiffs' medical expert did not establish, to the required more-likely-than-not standard, that the defendants' conduct caused Rocky Hinkle's diabetes, ketoacidosis, or PTSD.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Patricia O. Cotter; Karla M. Gray; John Warner; Jim Regnier; W. William Leaphart
JURISDICTION	Montana
DECIDED	July 1, 2004
DOCKET	02-772
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed the District Court's order granting defendants summary judgment in a negligence action alleging that conduct on a school bus and its aftermath caused or accelerated the minor plaintiff's diabetes and caused post-traumatic stress disorder.
STANDARD OF REVIEW	Summary judgment is reviewed de novo under Rule 56, M.R.Civ.P.; the moving party must initially show the absence of genuine issues of material fact, after which the nonmoving party must present substantial evidence raising a genuine issue of material fact. Whether the moving party is entitled to judgment as a matter of law is also reviewed for error.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential.

PARTIES

Victor and Marilyn Hinkle on behalf of Rockwell Hinkle, a minor v.
Shepherd School District #37, Jim Browning, James "Shorty" Horn

TOPICS

negligence

duty of care

proximate cause

summary judgment

expert testimony

PRACTICE AREAS

negligence

personal injury

school liability

summary judgment

expert testimony

QUESTIONS PRESENTED

1. Whether the District Court erred in granting summary judgment on the ground that defendants owed no duty because Rocky's particular injuries were unforeseeable.
2. Whether the District Court erred in granting summary judgment because the plaintiffs' medical expert did not establish that defendants' conduct caused Rocky's claimed injuries.

HOLDINGS

1. The District Court erred by determining that defendants owed no duty based on the unforeseeability of Rocky's particular injuries. In the duty context, the relevant inquiry is whether defendants could reasonably have foreseen that their conduct could result in some injury to Rocky; the specific resulting injury need not have been foreseeable.
2. Summary judgment was proper because the plaintiffs' medical expert could not establish that defendants' conduct more likely than not caused Rocky's ketoacidosis, Type I diabetes, or PTSD.

KEY QUOTATIONS

"The particular resulting injury need not have been foreseeable." (¶ 30)

"However, in order to survive summary judgment, Hinkles must first present expert testimony that establishes a causal connection between Defendants' actions and Rocky's injuries." (¶ 38)

FACTUAL BACKGROUND

Rockwell Hinkle, a high-school freshman, traveled on a school band bus after a basketball game. During the return trip, the bus driver pumped the brakes while students teased one another, and the band instructor refused or failed to stop when Rocky repeatedly requested a restroom break; Rocky ultimately lost continence when the bus was jarred near the school. Afterward, Rocky was punished for profanity and accused of instigating the bus antics. He later developed ketoacidosis and was diagnosed with Type I diabetes and post-traumatic stress disorder, but his pediatrician could not distinguish between physical and emotional stressors or say that defendants' conduct more likely than not caused the claimed injuries.

PROCEDURAL HISTORY

The Hinkles sued the school district, a band instructor, and a bus driver. After denying an earlier motion concerning expert-witness disclosure, the District Court granted defendants' second motion for summary judgment, ruling that defendants owed no duty because the alleged injuries were unforeseeable and that the plaintiffs' expert evidence did not establish causation. The Montana Supreme Court held that the District Court used the wrong foreseeability standard but affirmed summary judgment because the plaintiffs could not establish causation.

DISPOSITION

affirmed

CASES CITED

- Glacier Tennis Club at the Summit, LLC v. Treweek Construction Co., 2004 MT 70, 320 Mont. 351, 87 P.3d 431
- Kolar v. Bergo, 280 Mont. 262, 929 P.2d 867 (1996)
- Poole v. Poole, 2000 MT 117, 299 Mont. 435, 1 P.3d 936
- Singleton v. L.P. Anderson Supply Co., Inc., 284 Mont. 40, 943 P.2d 968 (1997)
- Jacobs v. Laurel Volunteer Fire Department, 2001 MT 98, 305 Mont. 225, 26 P.3d 730
- Mang v. Eliasson, 153 Mont. 431, 458 P.2d 777 (1969)
- LaCock v. 4B's Restaurants, Inc., 277 Mont. 17, 919 P.2d 373 (1996)
- Samson v. State, 2003 MT 133, 316 Mont. 90, 69 P.3d 1154
- Lopez v. Great Falls Pre-Release Services, Inc., 1999 MT 199, 295 Mont. 416, 986 P.2d 1081
- LaTray v. City of Havre, 2000 MT 119, 299 Mont. 449, 999 P.2d 1010
- Nautilus Insurance Co. v. First National Insurance, Inc., 254 Mont. 296, 837 P.2d 409 (1992)
- Dayberry v. City of East Helena, 2003 MT 321, 318 Mont. 301, 80 P.3d 1218
- Butler v. Domin, 2000 MT 312, 302 Mont. 452, 15 P.3d 1189

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