

SUPREME COURT OF MISSOURI

James Highfill and Dan Highfill v. Mary Hale

186 S.W.3d 277 (Mo. 2006) · No. SC 86987 · Decided March 21, 2006

SUMMARY

The Supreme Court of Missouri affirmed summary judgment for Mary Hale in the Highfills' false-imprisonment action. The court held that Hale's prior reports did not establish causation because deputies independently observed the fence, evaluated the stalking statute, and consulted the prosecutor before arresting the Highfills; a dissent argued that disputed facts regarding instigation and probable cause made summary judgment inappropriate.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Michael A. Wolff, Chief Justice; Laura Denvir Stith, Judge; Price, Judge; Limbaugh, Judge; Russell, Judge; Ronnie L. White, Judge; Teitelman, Judge
JURISDICTION	Missouri
DECIDED	March 21, 2006
DOCKET	SC 86987
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Highfills appealed the grant of summary judgment in favor of Mary Hale on their false-imprisonment claim. After an intermediate appellate decision, the Supreme Court of Missouri granted transfer and reviewed the summary judgment de novo.
STANDARD OF REVIEW	Summary judgment is reviewed de novo, with the evidence viewed in the light most favorable to the party opposing the motion. A defending movant may prevail by negating an element of the claim, showing the claimant cannot prove an element, or establishing that there is no genuine dispute concerning facts necessary to an affirmative defense.
PRECEDENTIAL VALUE	Published, en banc opinion of the Supreme Court of Missouri; precedential.
PARTIES	James Highfill, Dan Highfill v. Mary Hale

TOPICS

false arrest

summary judgment

civil procedure

torts

PRACTICE AREAS

civil procedure

torts

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QUESTIONS PRESENTED

1. Whether Hale could be liable for false imprisonment if the deputies independently observed the fence, evaluated the stalking statute, consulted the prosecutor, and decided to arrest the Highfills without Hale specifically requesting their arrest for stalking.
2. Whether the evidence established a genuine dispute of material fact concerning causation or Hale's instigation of the arrests sufficient to preclude summary judgment.

HOLDINGS

1. A person who merely reports information to police and leaves the arrest decision to the officer's discretion is not liable for false imprisonment; liability requires more, such as encouraging, causing, promoting, or instigating the arrest.
2. Summary judgment for Hale was proper because the Highfills could not establish that Hale caused or instigated their arrests.
3. The court properly applied the de novo summary-judgment standard and viewed the evidence in the light most favorable to the Highfills while determining that no material factual dispute could establish Hale's causation.

KEY QUOTATIONS

"Merely reporting facts to a police officer, and leaving it to that officer's discretion whether to make an arrest, does not subject the reporter to liability for false arrest." (280)

"Since the complaining citizen has no control over whether the police decide to arrest someone or whether the prosecutor decides to bring charges, the Court declines to hold a reporting person responsible for false arrest simply for reporting information to the police." (282)

"Hale is entitled to summary judgment because she demonstrated facts that negate the element of causation that is necessary to the Highfills' claim." (282)

FACTUAL BACKGROUND

The Highfills maintained an eight-foot metal fence equipped with one-way glass and video cameras oriented toward Hale's property. After Hale reported that she may have been shot, deputies went to her property, independently observed the fence, reviewed the stalking statute, and consulted the prosecuting attorney before arresting both Highfills for stalking. The prosecutor ultimately filed no charges. The Highfills alleged that Hale's prior complaints and conduct instigated the arrests and sued her for false imprisonment.

PROCEDURAL HISTORY

The Highfills sued the arresting deputies and Hale for false imprisonment and related claims arising from their arrests for stalking. After transfer of the case to Osage County, the deputies were dismissed based on official immunity. The trial court granted summary judgment to Hale, concluding that the deputies' independent observations of the fence and subsequent investigative decisions created a disconnect between Hale's report and the arrests. The Supreme Court of Missouri affirmed.

DISPOSITION

affirmed

CASES CITED

- ITT Commercial Finance Corp. v. Mid-America Marine Supply Corp., 854 S.W.2d 371, 376, 380-381 (Mo. banc 1993)
- Warren v. Parrish, 436 S.W.2d 670, 672 (Mo. 1969)
- Day v. Wells Fargo Guard Service Co., 711 S.W.2d 503, 505 (Mo. banc 1986)
- Blue v. Harrah's North Kansas City, LLC, 170 S.W.3d 466, 472-473 (Mo. App. 2005)
- Smith v. Allied Supermarkets, Inc., 524 S.W.2d 848, 852 (Mo. banc 1975)
- Rustici v. Weidemeyer, 673 S.W.2d 762, 767 (Mo. banc 1984)
- Snider v. Wimberly, 209 S.W.2d 239, 242 (Mo. 1948)
- Jacobs v. Bonser, 46 S.W.3d 41, 48 (Mo. App. 2001)
- Rankin v. Venator Group Retail, Inc., 93 S.W.3d 814 (Mo. App. 2002)
- Wehrman v. Liberty Petroleum Co., 382 S.W.2d 56, 63 (Mo. App. 1964)
- Parrott v. Reis, 441 S.W.2d 390, 392 (Mo. App. 1969)
- State v. Tokar, 918 S.W.2d 753, 767 (Mo. banc 1996)
- Signorino v. National Super Markets, Inc., 782 S.W.2d 100, 103 (Mo. App. 1989)

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