

SUPERIOR COURT OF PENNSYLVANIA

Donald Braswell v. Melody Wollard and Dolgencorp, LLC

2020 PA Super 279 (Superior Court of Pennsylvania 2020) · No. 2589 EDA 2019; J-A23033-20 · Decided
December 9, 2020

SUMMARY

The Pennsylvania Superior Court reversed in part a summary judgment order favoring Melody Wollard and Dolgencorp, LLC, in claims arising from Braswell's arrest after a dispute over change at a Dollar General store. The court held that the evidence could support jury findings that Wollard knowingly made a false report and that her statements were a determining factor in the arrest and subsequent prosecution. The court remanded the claims for malicious prosecution, false arrest, and false imprisonment for further proceedings, affirming the order in all other respects.

CASE DETAILS

COURT	Superior Court of Pennsylvania
WRITING FOR THE COURT	Pellegrini, J.; Kunselman, J.; Nichols, J.
JURISDICTION	Pennsylvania
DECIDED	December 9, 2020
DOCKET	2589 EDA 2019; J-A23033-20
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order granting defendants full summary judgment on the plaintiff's claims for malicious prosecution, false arrest, false imprisonment, defamation, and other claims.
STANDARD OF REVIEW	De novo review of summary judgment, with a plenary scope of review. Summary judgment is proper only when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law; where the facts support conflicting inferences, the matter is not free from doubt and is not ripe for summary judgment.
PRECEDENTIAL VALUE	Published precedential opinion of the Superior Court of Pennsylvania.
PARTIES	Donald Braswell v. Melody Wollard, Dolgencorp, LLC

TOPICS

[malicious prosecution](#)[false arrest](#)[false imprisonment](#)[summary judgment](#)[civil procedure](#)

PRACTICE AREAS

torts

civil procedure

remedies

evidence

QUESTIONS PRESENTED

1. Whether genuine issues of material fact precluded summary judgment on Braswell's malicious prosecution claim, including whether Wollard knowingly made a false report, whether the report caused the prosecution, and whether the prosecution lacked probable cause.
2. Whether a private party who allegedly supplies knowingly false information that causes police to arrest another may be liable for false arrest and false imprisonment under Pennsylvania law.
3. Whether the trial court improperly resolved credibility and competing factual inferences on summary judgment.

HOLDINGS

1. Summary judgment was improper because the evidence permitted a jury to infer that Wollard knowingly made a false report to police, and the question of her knowledge and intent depended on credibility determinations for the jury.
2. Summary judgment was improper on the probable-cause and procurement elements because, if Wollard knowingly supplied false information, her accusation could have been the determining factor in the officer's decision to arrest Braswell, and the officer could not be treated as having exercised independent discretion based on reliable evidence apart from that accusation.
3. Under Pennsylvania law as interpreted by the court, a private party may be liable for false arrest or false imprisonment when the party knowingly provides false or misleading information that causes police to detain the plaintiff, even though the private party did not personally take the plaintiff into custody.
4. Summary judgment must be denied where the evidence permits conflicting inferences on material facts or requires credibility determinations.

KEY QUOTATIONS

“Where the facts can support conflicting inferences, it cannot be said that the case is free from doubt and thus ripe for summary judgment.” (at 8)

“If, however, the information is known by the giver to be false, an intelligent exercise of the officer’s discretion becomes impossible, and a prosecution based upon it is procured by the person giving the false information.” (at 10)

FACTUAL BACKGROUND

Braswell purchased cat food at a Dollar General store and received a receipt showing that he had paid with a \$20 bill, although the cashier, Wollard, gave him change as if he had paid with a \$10 bill. After an argument, Braswell took \$10 from a register and called police, asserting that he was taking the disputed amount he was owed. Wollard reported that Braswell had entered the store office without permission and stolen the money, although the officer knew Braswell had called police, had taken only the disputed amount, and possessed a

receipt supporting his account. Braswell was arrested and detained for more than four months before prosecutors dismissed the criminal charges; Wollard later gave a different explanation in her civil deposition for why the register reflected a \$20 payment.

PROCEDURAL HISTORY

Braswell was arrested and detained on robbery and theft charges after store cashier Melody Wollard reported that he had stolen \$10 from the store register. The criminal charges were dismissed after more than four months of detention. Braswell then sued Wollard and her employer, Dolgencorp, LLC. The Philadelphia County Court of Common Pleas granted defendants summary judgment, and Braswell appealed. The Superior Court reversed the summary judgment as to malicious prosecution, false arrest, and false imprisonment, affirmed the order in all other respects, and relinquished jurisdiction.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings on Braswell's claims for malicious prosecution, false arrest, and false imprisonment. The order was affirmed in all other respects, and jurisdiction was relinquished.

CASES CITED

- Manley v. Fitzgerald, 997 A.2d 1235, 1241 (Pa. Cmwlth. 2010)
- Valentino v. Philadelphia Triathlon, LLC, 209 A.3d 941, 950 (Pa. 2019)
- Ario v. Ingram Micro, Inc., 965 A.2d 1194, 1207 n.15 (Pa. 2009)
- Washington v. Baxter, 719 A.2d 733, 737, 740 n.10 (Pa. 1998)
- Phillips v. Cricket Lighters, 841 A.2d 1000, 1004 (Pa. 2003)
- Commonwealth v. Rogers, 849 A.2d 1185, 1192 (Pa. 2004)
- Commonwealth v. Hernandez, 935 A.2d 1275, 1284 (Pa. 2007)
- White v. Owens-Corning Fiberglas Corp., 668 A.2d 136, 142 (Pa. Super. 1995)
- Clark v. Philadelphia College of Osteopathic Medicine, 693 A.2d 202, 204 (Pa. Super. 1997)
- Haas v. Kasnot, 92 A.2d 171, 173 (Pa. 1952)
- Martin v. Evans, 711 A.2d 458, 463 (Pa. 1998)
- Bradley v. Gen. Acc. Ins. Co., 778 A.2d 707, 711 (Pa. Super. 2001)
- Alleyne v. Pirrone, 180 A.3d 524, 543 (Pa. Cmwlth. 2018)
- Gagliardi v. Lynn, 285 A.2d 109, 111-12 (Pa. 1971)
- Renk v. City of Pittsburgh, 641 A.2d 289, 293 (Pa. 1994)
- Doby v. Decrescenzo, 1996 WL 510095, at *13 (E.D. Pa. Sept. 9, 1996)
- Martucci v. Borough of Milford, 2018 WL 175572 (E.D. Pa. Apr. 10, 2018)
- Davila v. United States, 247 F. Supp. 650, 658-59 (W.D. Pa. 1967)

- Reiber v. Fillipone, 2016 WL 7034704 (E.D. Pa. Dec. 2, 2016)
- Gilbert v. Feld, 788 F. Supp. 854, 862 (E.D. Pa. 1992)
- Simmons v. Poltrone, 1997 WL 805093, at *8 (E.D. Pa. Dec. 17, 1997)
- Thomas v. IPC Int'l Corp., 2004 WL 292477, at *4 (E.D. Pa. Feb. 12, 2004)

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