

SUPREME COURT OF RHODE ISLAND

Cheryl Daniels, Individually and as Mother and Next Friend of Anthony Daniels, a minor v. Zachery Fluette et al.

64 A.3d 302 (R.I. 2013) · No. 2012-53-Appeal · Decided April 12, 2013

SUMMARY

The Rhode Island Supreme Court reviewed a negligence action arising from a student's injury after another student pushed him into a bathroom window at Bishop Hendricken High School. The court held that the plaintiff failed to show a triable issue regarding negligent supervision or the school's failure to install safety glass, and it affirmed summary judgment for the school.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Chief Justice Paul A. Suttell; Chief Justice Suttell; Justice Goldberg; Justice Flaherty; Justice Robinson; Justice Indeglia
JURISDICTION	Rhode Island
DECIDED	April 12, 2013
DOCKET	2012-53-Appeal
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from the Providence County Superior Court's final judgment granting Bishop Hendricken High School's motion for summary judgment in a negligence action arising from a student's injury during horseplay on school premises.
STANDARD OF REVIEW	Summary judgment is reviewed de novo under the same standards and rules used by the hearing justice. The evidence is viewed in the light most favorable to the nonmoving party, and summary judgment is proper when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential.
PARTIES	Cheryl Daniels, individually and as mother and next friend of Anthony Daniels, a minor v. Bishop Hendricken High School, Zachery Fluette et al.

TOPICS

negligent supervision

negligence

standard of care

standard of review

appellate procedure

PRACTICE AREAS

torts

negligence

school liability

summary judgment

appellate procedure

QUESTIONS PRESENTED

1. Whether the school breached a duty to supervise students by failing to prevent or detect the horseplay that injured Daniels.
2. Whether the school breached a duty to protect students by failing to install safety glass in the boys' bathroom window.
3. Whether summary judgment was proper where the plaintiff offered no evidence that the injury-producing conduct or the window hazard was reasonably foreseeable.

HOLDINGS

1. Assuming without deciding that the school owed Daniels a duty to supervise, a plaintiff seeking to hold a school liable for an injury caused by another student must show that the student's injurious acts could reasonably have been foreseen by the school. The absence of a teacher or administrator monitoring the bathroom, without evidence of a specific foreseeable risk or specific act or omission showing a deviation from the standard of care, did not establish breach.
2. The school was not liable for failing to install safety glass in the bathroom window because the plaintiff presented no evidence that the window received heavy use, was situated so as to pose a particular danger, or otherwise created a foreseeable risk of injury.
3. Summary judgment for Bishop Hendricken High School was proper because the plaintiff failed to produce competent evidence establishing a disputed material fact concerning breach or foreseeability.

KEY QUOTATIONS

"We agree that, rather than hold schools to the standard of being insurers of their students' safety, a plaintiff seeking to hold a school liable for injuries resulting from the acts of another student must show that such acts could have been reasonably foreseen by the school." (slip op. at 8)

"While compliance with building codes alone may not provide a complete defense, the school had no reason to foresee that the window might pose a danger, and imposing liability here would be tantamount to making the school an insurer of its students." (slip op. at 9-10)

FACTUAL BACKGROUND

After classes ended on January 12, 2006, Anthony Daniels remained at Bishop Hendricken High School to work out in the weight room as a member of the hockey team. While waiting for his mother, he took a friend's book bag into a boys' bathroom as part of a prank; Zachery Fluette followed, kicked the stall door into Daniels's head, and pushed him toward a window. Daniels put up his hands, shattered the glass, and lacerated his wrist. The

record contained no evidence of prior horseplay in that area, complaints about Fluette's conduct, or any particular danger posed by the bathroom window.

PROCEDURAL HISTORY

Cheryl Daniels filed suit in 2007 against Zachery Fluette, Bishop Hendricken High School, and school agents, alleging negligence after Anthony Daniels was injured when Fluette pushed him into a bathroom window. The Superior Court granted summary judgment for the school and Brother Thomas R. Leto in 2011. Leto was not a party to the appeal, and Fluette settled before the appeal was heard. The Rhode Island Supreme Court concluded that no genuine issue of material fact existed and affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The record was ordered returned to the Superior Court.

CASES CITED

- Great American E & S Insurance Co. v. End Zone Pub & Grill of Narragansett, Inc., 45 A.3d 571, 574 (R.I. 2012)
- Generation Realty, LLC v. Catanzaro, 21 A.3d 253, 258 (R.I. 2011)
- Narragansett Improvement Co. v. Wheeler, 21 A.3d 430, 438 (R.I. 2011)
- Habershaw v. Michaels Stores, Inc., 42 A.3d 1273, 1276 (R.I. 2012)
- Holley v. Argonaut Holdings, Inc., 968 A.2d 271, 274 (R.I. 2009)
- Medeiros v. Sitrin, 984 A.2d 620, 623-27 (R.I. 2009)
- Morales v. Town of Johnston, 895 A.2d 721, 732 (R.I. 2006)
- Armellino v. Thomase, 899 N.Y.S.2d 339, 340 (N.Y. App. Div. 2010)
- Lawes v. Board of Education of the City of New York, 213 N.E.2d 667, 668-69 (N.Y. 1965)
- Miller v. Yoshimoto, 536 P.2d 1195, 1196, 1198, 1200-01 (Haw. 1975)
- Rose v. Oteora Central School District, 861 N.Y.S.2d 442, 443-44 (N.Y. App. Div. 2008)
- Mirand v. City of New York, 637 N.E.2d 263, 266 (N.Y. 1994)
- Johnson v. City of Boston, 490 N.E.2d 1204, 1205-06 (Mass. App. Ct. 1986)
- Trimarco v. Klein, 436 N.E.2d 502, 503-06 (N.Y. 1982)
- Wheeler v. Jones, 431 P.2d 985, 988-89 (Utah 1967)