

## SUPREME COURT OF MISSISSIPPI

# George Ready, II v. RWI Transportation, LLC and David Williams

203 So. 3d 590 (Miss. 2016) · No. No. 2015-CA-00227-SCT · Decided November 3, 2016

### SUMMARY

The Supreme Court of Mississippi affirmed summary judgment for RWI Transportation, LLC and David Williams in a negligence action arising from a second automobile accident allegedly caused by traffic backed up from an earlier accident. The court held that the first accident was too remote in time and distance to impose a duty or constitute an actionable proximate cause of George Ready II's injuries. The court also concluded that summary judgment was proper because the defendants owed no duty to Ready under the stipulated facts.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Mississippi                                                                                                                                                                                                                                                                   |
| WRITING FOR THE COURT | Randolph, Presiding Justice; Randolph; Waller; Dickinson; Kitchens; King; Coleman; Maxwell; Beam                                                                                                                                                                                               |
| JURISDICTION          | Mississippi                                                                                                                                                                                                                                                                                    |
| DECIDED               | November 3, 2016                                                                                                                                                                                                                                                                               |
| DOCKET                | No. 2015-CA-00227-SCT                                                                                                                                                                                                                                                                          |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Ready appealed from a final judgment dismissing with prejudice his negligence and negligent-entrustment claims after the Grenada County Circuit Court granted summary judgment to RWI Transportation, LLC and David Williams and denied Ready's Mississippi Rule of Civil Procedure 59 motion. |
| STANDARD OF REVIEW    | De novo review applies to a grant of summary judgment. Summary judgment is proper when the nonmoving party cannot make a prima facie showing of every element of the claim.                                                                                                                    |
| PRECEDENTIAL VALUE    | Published Mississippi Supreme Court opinion; precedential                                                                                                                                                                                                                                      |
| PARTIES               | George Ready, II v. RWI Transportation, LLC, David Williams                                                                                                                                                                                                                                    |

### TOPICS

negligence

duty of care

proximate cause

summary judgment

personal injury

## PRACTICE AREAS

Torts

Civil Procedure

Appellate Procedure

## QUESTIONS PRESENTED

1. Whether the trial court erred in holding as a matter of law that Ready's injuries were an unforeseeable result of Williams's alleged negligence and that Williams and RWI therefore owed Ready no duty.
2. Whether Williams's alleged negligence was a proximate or proximate contributing cause of Ready's injuries.
3. Whether Ready was negligent as a matter of law.

## HOLDINGS

1. Williams's presumed negligent conduct was too remote in time and distance from Ready's accident to create a legally actionable duty to Ready; therefore, Williams and RWI did not owe Ready a duty under the stipulated facts.
2. Summary judgment was properly granted because Ready could not establish the duty element of his negligence claims as a matter of law.
3. Although causation generally is a matter for the jury, the court could resolve the duty issue as a matter of law and conclude that the alleged causal connection was too remote to be actionable.

## KEY QUOTATIONS

*“Williams’s presumed negligent conduct was too remote in time and distance to have caused Ready’s damages. Therefore, Ready’s claims as to Williams and RWI are nonactionable, and summary judgment as a matter of law was properly granted.”* (¶ 14)

## FACTUAL BACKGROUND

Williams was driving a tractor-trailer leased to RWI on Interstate 55 when, during a lane change, his trailer contacted another vehicle, causing that vehicle to overturn and partially block both northbound lanes. Although traffic was stopped, the lanes were reopened approximately fifty-five minutes later. About three-fourths of a mile south of the first accident, Ready, traveling approximately sixty-five to seventy miles per hour, rear-ended a stopped UPS tractor-trailer that remained in traffic backed up from the first accident. The weather was clear, the roadway was dry, and the UPS tractor-trailer had its four-way flashers activated.

## PROCEDURAL HISTORY

Ready sued RWI and Williams after a second automobile accident allegedly resulted from traffic backed up by an earlier accident involving Williams's tractor-trailer. The circuit court granted defendants summary judgment, finding that the first accident was too remote in time and distance to create a duty or foreseeable causation as to Ready. The court denied Ready's Rule 59 motion to alter or amend, entered final judgment with prejudice, and Ready appealed.

## DISPOSITION

affirmed

#### CASES CITED

- Harris v. Darby, 17 So. 3d 1076, 1078 (Miss. 2009)
- Huynh v. Phillips, 95 So. 3d 1259, 1262-63 (Miss. 2012)
- Foster v. Bass, 575 So. 2d 967, 972-73 (Miss. 1990)
- Fowler Butane Gas Co. v. Varner, 244 Miss. 130, 141 So. 2d 226 (1962)
- Belk v. Rosamond, 213 Miss. 633, 57 So. 2d 461 (1952)
- Tippit v. Hunter, 205 So. 2d 267 (Miss. 1967)
- Campbell v. Schmidt, 195 So. 2d 87 (Miss. 1967)
- Layton v. Cook, 248 Miss. 690, 160 So. 2d 685 (Miss. 1964)
- Barkley v. Miller Transporters, Inc., 450 So. 2d 416 (Miss. 1984)
- Shideler v. Taylor, 292 So. 2d 155 (Miss. 1974)
- Dennis By and Through Cobb v. Bolden, 606 So. 2d 111, 113-14 (Miss. 1992)
- Robison v. McDowell, 247 So. 2d 686, 686, 689 (Miss. 1971)
- Hoke v. W. L. Holcomb & Assocs., Inc., 186 So. 2d 474, 476-77 (Miss. 1966)
- Mississippi City Lines, Inc. v. Bullock, 194 Miss. 630, 13 So. 2d 34, 36 (1943)
- Saucier v. Walker, 203 So. 2d 299, 304 (Miss. 1967)
- Bufkin v. Louisville & Nashville R.R. Co., 161 Miss. 594, 137 So. 517 (1931)
- Ozen v. Sperier, 150 Miss. 458, 117 So. 117 (1928)
- Louisville & Nashville R.R. Co. v. Daniels, 135 Miss. 33, 99 So. 434 (1924)
- Marqueze v. Sontheimer, 59 Miss. 430 (1882)
- Clark v. EPCO, Inc., No. 2:08-cv-103-KS-MTP, 2009 WL 2366054, at \*1, \*7-\*8 (S.D. Miss. July 29, 2009)
- Permenter v. Milner Chevrolet Co., 229 Miss. 385, 91 So. 2d 243, 245 (1956)

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