

SUPREME COURT OF WYOMING

Coates v. Anderson

84 P.3d 953 (Wyo. 2004) · No. No. 03-84 · Decided February 19, 2004

SUMMARY

The Wyoming Supreme Court affirmed summary judgment in favor of Ron Anderson, successor trustee of the Dixie Anderson Trust, in an action arising from a collision with Anderson's parked tractor. The court held that Anderson was an independent contractor rather than an employee or agent of the Trust and that no de facto partnership existed. The court also concluded that the evidence did not establish that Dixie Anderson had ceased serving as trustee before the accident.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Lehman, Justice; Hill, C.J.; Golden, J.; Lehman, J.; Kite, J.; Voigt, J.
JURISDICTION	Wyoming
DECIDED	February 19, 2004
DOCKET	No. 03-84
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed a partial summary judgment entered in favor of the Trust in their personal-injury action arising from a collision with Ron Anderson's parked tractor.
STANDARD OF REVIEW	Summary judgment is reviewed de novo under the same standards applied by the district court. The record is viewed in the light most favorable to the nonmoving party; summary judgment is proper when no genuine issue of material fact exists and the prevailing party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential.
PARTIES	Justin P. Coates, Rachel L. Coates, Rak Holmes Coates, a minor, by and through his next friend, Justin P. Coates v. Ron Anderson, as successor trustee of Dixie Anderson Trust

TOPICS

- summary judgment
- negligence
- trusts
- standard of review
- appellate procedure

PRACTICE AREAS

civil procedure

torts

trusts

QUESTIONS PRESENTED

1. Whether genuine issues of material fact precluded summary judgment on the claim that the Dixie Anderson Trust was vicariously liable for Ron Anderson's conduct.
2. Whether Ron Anderson was an employee or independent contractor of the Trust under the right-to-control test.
3. Whether Ron Anderson was acting as an agent of the Trust or as a partner with the Trust when the accident occurred.
4. Whether facts established that Dixie Anderson had failed to serve as trustee, thereby making Ron Anderson the successor trustee at the time of the accident.

HOLDINGS

1. Summary judgment was proper because the undisputed evidence established no genuine issue of material fact and entitled the Trust to judgment as a matter of law.
2. Ron Anderson was an independent contractor as a matter of law because the evidence did not show that the Trust had the right to control or supervise the details of his work or operation of the tractor.
3. Ron Anderson was not acting as an agent of the Trust and no de facto partnership existed between Anderson and the Trust when the accident occurred.
4. The record did not create a genuine issue of material fact that Dixie Anderson had failed to serve as trustee; therefore, Ron Anderson had not become successor trustee at the time of the accident.

KEY QUOTATIONS

“Master-servant and independent contractor are thus opposite sides of the same coin; one cannot be both at the same time with respect to the same activity; the one necessarily negatives the other, each depending on opposite answers to the same right of control inquiry.” (¶ 7)

“Unless an express reservation of the right of control may be inferred from the evidence, none can be held to exist.” (¶ 13)

“For those reasons indicated above, we hold that no material questions of fact existed in this case and that the Trust, as a matter of law, was entitled to summary judgment.” (¶ 20)

FACTUAL BACKGROUND

On February 8, 2000, the Coateses' vehicle collided with a tractor parked on Wyoming State Highway 237. The tractor was owned by Ron Anderson, who was tending to his own cattle business and was not conducting Trust business at the time. The Trust owned no livestock, did not use its property for income production, did not control Anderson's activities, and did not share in profits or losses from his cattle operation. Dixie Anderson

remained the appointed trustee when the accident occurred, and the record contained no specific facts showing that she had resigned, become incapacitated, or otherwise failed to serve.

PROCEDURAL HISTORY

The Coateses initially sued Ron Anderson individually and later amended the complaint to add the Dixie Anderson Trust, alleging vicarious liability under respondeat superior and alternatively a de facto partnership. After discovery, the Trust moved for summary judgment. The district court granted the motion, and the Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Polo Ranch Co. v. City of Cheyenne, 2003 WY 15, ¶ 8, 61 P.3d 1255, ¶ 8 (Wyo. 2003)
- Amoco Prod. Co. v. Board of County Comm'rs, 2002 WY 154, ¶ 10, 55 P.3d 1246, ¶ 10 (Wyo. 2002)
- Bevan v. Fix, 2002 WY 43, ¶¶ 13, 26, 42 P.3d 1013 (Wyo. 2002)
- Worley v. Wyoming Bottling Co., Inc., 1 P.3d 615, 620 (Wyo. 2000)
- Terry v. Pioneer Press, Inc., 947 P.2d 273, 275 (Wyo. 1997)
- Davis v. Wyoming Medical Center, Inc., 934 P.2d 1246, 1250 (Wyo. 1997)
- Tidwell v. HOM, Inc., 896 P.2d 1322, 1324-25 (Wyo. 1995)
- Mize v. North Big Horn Hosp. Dist., 931 P.2d 229, 232 (Wyo. 1997)
- Johnson v. Soulis, 542 P.2d 867, 871-72 (Wyo. 1975)
- Combined Ins. Co. of America v. Sinclair, 584 P.2d 1034, 1042-43 (Wyo. 1978)
- Natural Gas Processing Co. v. Hull, 886 P.2d 1181, 1184-85 (Wyo. 1994)
- Hill v. Pacific Power & Light Co., 765 P.2d 1348, 1349 (Wyo. 1988)
- Stephenson v. Pacific Power & Light Co., 779 P.2d 1169, 1176 (Wyo. 1989)
- Jones v. Chevron U.S.A., Inc., 718 P.2d 890, 898 (Wyo. 1986)
- Noonan v. Texaco, Inc., 713 P.2d 160, 164-67 (Wyo. 1986)
- Martin v. Farmers Ins. Exchange, 894 P.2d 618, 620 (Wyo. 1995)
- Fox Park Timber Co. v. Baker, 53 Wyo. 467, 84 P.2d 736 (1938)
- Brubaker v. Glenrock Lodge, Int'l Order of Odd Fellows, 526 P.2d 52 (Wyo. 1974)
- Stockwell v. Morris, 46 Wyo. 1, 22 P.2d 189, 194 (1933)
- Simpson v. Home Petroleum Corp., 770 F.2d 499, 506-07 (5th Cir. 1985)
- Press Pub. Co. v. Accident Commission, 190 Cal. 114, 210 P. 820
- May v. Farrell, 94 Cal. App. 703, 271 P. 789
- Leech v. Timber Co., 161 Wash. 426, 297 P. 203
- General Exchange Ins. Co. v. Findlay, 219 Ala. 193, 121 So. 710

- McCarthy v. Souther, 83 N.H. 29, 137 A. 445

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