

SUPREME COURT OF RHODE ISLAND

Norton v. Boyle

767 A.2d 668 (R.I. 2001) · No. No. 99-457-Appeal · Decided March 16, 2001

SUMMARY

The Rhode Island Supreme Court reviewed a judgment as a matter of law in favor of Russell J. Boyle in an employee's personal-injury action. The court held that uncontradicted evidence established Boyle was acting as an agent of the funeral home when he moved a limousine during funeral proceedings, making workers' compensation the employee's exclusive remedy. The court denied the appeal and affirmed the judgment.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Per curiam; Chief Justice Weisberger; Justice Lederberg; Justice Bourcier; Justice Flanders; Justice Goldberg
JURISDICTION	Rhode Island
DECIDED	March 16, 2001
DOCKET	No. 99-457-Appeal
DISPOSITION	affirmed
PROCEDURAL POSTURE	Norton appealed from a judgment entered after the trial justice granted Boyle's motion for judgment as a matter of law at the close of Norton's evidence in a personal-injury action arising from a funeral-home vehicle accident.
STANDARD OF REVIEW	The court views the evidence in the light most favorable to the nonmoving party, does not weigh evidence or assess witness credibility, and draws all reasonable inferences supporting that party. Judgment as a matter of law must be denied if factual issues remain on which reasonable persons could reach different conclusions; it is proper when the evidence permits only one legitimate conclusion.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion
PARTIES	Leo Norton v. Russell J. Boyle

TOPICS

motion for directed verdict

standard of review

civil procedure

employment law

torts

PRACTICE AREAS

civil procedure

employment law

torts

workers compensation

QUESTIONS PRESENTED

1. Whether the evidence conclusively established that Boyle was acting as an agent of the funeral home when he moved the limousine and injured Norton.
2. Whether the trial justice properly granted judgment as a matter of law rather than submitting Boyle's agency and scope of authority to the jury.
3. Whether the statutory presumption of agency under G.L. 1956 § 31-33-6 applied to Boyle's operation of the vehicle.

HOLDINGS

1. The evidence, viewed in the light most favorable to Norton, unequivocally established that Boyle was acting as an agent of the funeral home when he moved the limousine during the funeral.
2. Judgment as a matter of law was proper because the evidence permitted only one legitimate conclusion: Boyle was an agent of the funeral home when the accident occurred.
3. The court did not decide whether the statutory presumption of agency under § 31-33-6 applied because the evidence independently established Boyle's agency status.

KEY QUOTATIONS

"The trial justice, and this court on review, considers the evidence in the light most favorable to the nonmoving party, without weighing the evidence or evaluating the credibility of witnesses, and draws from the record all reasonable inferences that support the position of the nonmoving party." (767 A.2d at 671)

"Our review of the evidence leads us to the inescapable conclusion that Boyle acted as an agent of the funeral home in moving the limousine." (767 A.2d at 672)

FACTUAL BACKGROUND

Leo Norton worked for approximately twenty years as a part-time pallbearer and limousine driver for the Russell J. Boyle and Son Funeral Home. During a funeral procession, Russell J. Boyle, the retired founder of the funeral home, attempted to move the family limousine closer to the gravesite, causing a chain reaction in which Norton's leg was pinned and severely injured. Boyle had retired from corporate office but continued assisting at funerals, wore the funeral home's staff uniform, and had authority—shared with other staff members—to direct personnel and move company vehicles.

PROCEDURAL HISTORY

Norton, a funeral-home employee, received workers' compensation benefits after Boyle's operation of a funeral-home limousine caused injuries to Norton. Norton then filed this action against Boyle, agreeing to repay the

workers' compensation insurer from any recovery. Boyle moved for summary judgment on the ground that workers' compensation was Norton's exclusive remedy against an employer's agent; the motion was denied, and the matter proceeded to a jury trial limited to Boyle's agency status. The trial justice granted judgment as a matter of law for Boyle, and the Supreme Court denied the appeal and affirmed.

DISPOSITION

affirmed

CASES CITED

- Kurczy v. St. Joseph Veterans Association, Inc., 713 A.2d 766, 770 (R.I. 1998)
- A. Teixeira & Co. v. Teixeira, 699 A.2d 1383, 1390 n. 7 (R.I. 1997)
- Long v. Atlantic PBS, Inc., 681 A.2d 249, 252 (R.I. 1996)
- DiQuinzio v. Panciera Lease Co., 612 A.2d 40, 42 (R.I. 1992)
- Lawrence v. Anheuser-Busch, Inc., 523 A.2d 864, 867 (R.I. 1987)
- Haining v. Turner Centre System, 50 R.I. 481, 482, 149 A. 376, 377 (1930)
- Chaufy v. De Vries, 41 R.I. 1, 6, 102 A. 612, 614-15 (1918)