



1994

Recent Developments: Hartford Ins. v. Manor Inn: State's Duty to Protect against Third Party Injuries Does Not Override Recognized Tort Law Principle of Intervening Causation in Negligence Actions

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Recommended Citation

Johnson, Lisa Y. (1994) "Recent Developments: Hartford Ins. v. Manor Inn: State's Duty to Protect against Third Party Injuries Does Not Override Recognized Tort Law Principle of Intervening Causation in Negligence Actions," *University of Baltimore Law Forum*: Vol. 25 : No. 2 , Article 14.

Available at: <http://scholarworks.law.ubalt.edu/lf/vol25/iss2/14>

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Hartford Ins. v. Manor Inn:

STATE'S DUTY TO PROTECT AGAINST THIRD PARTY INJURIES DOES NOT OVERRIDE RECOGNIZED TORT LAW PRINCIPLE OF INTERVENING CAUSATION IN NEGLIGENCE ACTIONS.

In *Hartford Ins. Co. v. Manor Inn*, 335 Md. 135, 642 A.2d 219 (1994), the Court of Appeals of Maryland examined proximate and superseding causation particularly as they relate to the State's duty to protect against third party injuries. In a unanimous decision, the court determined that, notwithstanding the State's duty to protect against third party injuries, liability rightfully attaches to the individual whose acts amount to the superseding, intervening events which break the chain of proximate causation. Accordingly, the court affirmed the general tort law principle that superseding, intervening forces or events sever the chain of legal or proximate causation such that liability ceases to attach to the original tortfeasor.

Robert Wewer ("Wewer") sustained personal injuries and property damage when his vehicle collided with another vehicle operated by Robert Lee Griffin ("Griffin"), an escaped mental patient of Springfield State Hospital ("Springfield"), the mental institution to which Griffin had been involuntarily committed. Griffin had stolen the vehicle after an employee of Manor Inn ("Hotel") left the vehicle unattended with the doors unlocked and the keys in the ignition. Having fully paid Wewer's subsequent insurance claim, Hartford Insurance Company ("Insurer") brought a subrogation claim against the State and the hotel to recover damages paid on behalf of Wewer. Finding no

material facts in dispute, the trial court granted the State's motion for summary judgment. Moreover, the court, *sua sponte*, entered summary judgment in favor of the hotel.

Finding no error, the Court of Special Appeals of Maryland affirmed the decision of the trial court. Subsequently, the Court of Appeals of Maryland granted certiorari to consider whether the state had a duty to protect Wewer from the collision which resulted as the unforeseeable consequence of Griffin's escape and whether the hotel employee's negligence in leaving the van unattended was the proximate cause of Wewer's injuries.

Before addressing these questions, the court confronted the threshold issue of whether the trial court could *sua sponte* enter summary judgment in favor of the hotel when neither the insurer nor the hotel moved for summary judgment. The court first noted that the purpose of the summary judgment procedure is to decide whether there is an issue of fact sufficiently material to be tried. *Hartford Ins. Co. v. Manor Inn*, 335 Md. 135, 144, 642 A.2d 219, 224 (1994). The court then focused on Maryland Rule 2-501(e) and considered whether the trial court properly entered summary judgment in favor of one party against another absent a motion by a moving party. In relevant part, Rule 2-501(e) provides:

Upon motion of a party, the

court shall enter judgment in favor of the [moving] party if the pleadings, depositions, answers to interrogatories, admissions and affidavits show that there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law.

Id. at 146, 642 A.2d at 224.

Acknowledging the trial court's error in granting summary judgment, the court nevertheless decided the issue as to the hotel's liability "to avoid the expense and delay of another appeal." *Id.* at 147, 642 A.2d at 225. Remarking that the trial record was void of any motion for summary judgment by the hotel, the court of appeals concluded that such failure to move for summary judgment amounted to a tactical decision by the hotel. *Id.* The court reasoned that had the matter been reversed, the hotel "would simply file a motion for summary judgment against the [insurer] and a second appeal presenting the same issue between those parties would be almost inevitable." *Id.* Hence, the court held that the action of the trial court amounted to harmless error for which reversal would be impractical.

The court of appeals next considered whether the state had a duty to protect Wewer from the collision which resulted as the unforeseeable consequence of Griffin's escape from Springfield. In addition, the court considered whether the hotel employee's negligence

in leaving the vehicle unattended was the proximate cause of Wewer's injuries. After examining each issue, the court found the State had no duty to protect Wewer from the collision because the collision was not a foreseeable consequence of Griffin's elopement from Springfield. Moreover, the court found the hotel employee's negligence in leaving the vehicle unattended was not the proximate cause of Wewer's injuries.

In addressing whether the state breached a duty owed to Wewer by failing to control Griffin's conduct, the court relied on *Ashburn v. Anne Arundel County*, 306 Md. 617, 510 A.2d 1078 (1986). *Id.* at 150, 642 A.2d at 226. In *Ashburn*, the court held that, absent a "special relationship" either between the actor and the third person or between the actor and the person injured, there existed no duty to control the conduct of a third person. *Id.* (citing *Ashburn*, 306 Md. at 628, 510 A.2d at 1083). Moreover, the court of appeals reaffirmed its adoption of the Restatement (Second) of Torts Section 315, which addresses the duty of those in charge of persons having dangerous propensities, further providing an exception to the general duty rule. Noting the exception's particular applicability to custodial situations, the court concluded that a special relationship existed between Griffin and the State while he was in the State's custody as a patient at Springfield. The court further considered whether such

relationship continued following Griffin's escape. *Id.* at 151, 642 A.2d at 227.

The court opined that to hold the State liable for its negligent conduct in failing to control or detain Griffin would amount to holding the State liable for the unreasonably remote consequences of Griffin's own negligence. *Id.* The court further explained that "it could not be foreseen that Griffin, having eloped, would . . . steal a van, and drive it negligently, thus causing an accident." *Id.* Recognizing the inappropriateness of holding the State liable for remote and unforeseeable consequences, the court further applied the foreseeability analyses set forth in the seminal cases of *Palsgraf v. Long Island R.R. Co.*, 162 N.E. 99 (N.Y. 1928) and *Tarasoff v. Regents of the Univ. of Cal.*, 551 P.2d 334 (Cal. 1976). The court ultimately concluded that a duty would only be found in favor of readily identifiable plaintiffs, i.e., those within a foreseeable zone of danger whose identities are known in advance. *Hartford*, 335 Md. at 154, 642 A.2d at 228.

Moreover, in its analysis of the hotel's liability for injuries to Wewer, the court determined that the insurer must prove that the hotel's negligence was the proximate cause of the accident. *Id.* at 154, 642 A.2d at 229. Thereafter, the court further questioned whether Griffin's negligent operation of the van broke the chain of causation flowing from the hotel's negli-

gence. *Id.* at 157, 642 A.2d at 230. Recognizing the significance of proximate and superseding causation, the court held that “while the negligence of [the hotel] clearly was the proximate cause of the theft of the van, it does not follow that the causal relationship continued from the moment of the theft to the moment of impact between the van and Wewer’s car.” *Id.* at 160, 642 A.2d at 232.

The court concluded its analysis by determining that the hotel’s negligence in leaving the keys in the ignition of the van was not the proximate cause of Wewer’s injuries but merely the proximate cause of theft of the van. Hence, the court determined that:

[A]lthough an injury might not have occurred “but for” an an-

tecedent act of the defendant, liability may not be imposed if . . . the negligence of one person is merely passive and potential, while the negligence of another is the moving and effective cause of the injury . . . [o]r if the injury is so remote in time and space from defendant’s original negligence and another’s negligence intervenes.

Id. at 156, 642 A.2d at 230 (citations omitted).

The court in *Hartford Ins. Co. v. Manor Inn* resolves the question of whether the State’s duty to protect against injuries to third parties overrides the general tort law principle concerning the effect of superseding, intervening acts on legal or proximate causation. Specifically, the court avers that liability of an initial negligent

actor cannot lie where his acts are not the moving and effective cause of the resulting injury. Rather, such intervening acts supersede the initial negligent act and become the proximate cause of the injury. More importantly, this general tort law principle is recognized *even if* the negligent acts of another amount to the intervening agency which results in injury to a third party for which the State would otherwise have a duty to protect.

- Lisa Y. Johnson

