

Significant Ruling on Employer Independent Negligence from Louisiana Supreme Court

Yesterday, the Louisiana Supreme Court issued a significant ruling in *Martin v. Thomas*, No. 2021-01490 (La. 6/29/22). The issue before the Court was whether an employer, which stipulated to vicarious liability for any potential negligence of its driver, was entitled to partial summary judgment and dismissal of the plaintiff's direct claims against it for negligent hiring, training, supervision, and entrustment. In the recent past, Louisiana federal and appellate courts granted partial summary judgments and dismissed such claims against employers that stipulate to vicarious liability (i.e., that their employee was acting in the course and scope of his/her employment). This is because any potential negligence of the defendant-employee is automatically imputed to the employer pursuant to such stipulation

However, in its ruling today, the Louisiana Supreme Court determined that a plaintiff in Louisiana can now maintain both a negligence cause of action against an employee and a direct claim against the employer for negligent hiring, supervision, and entrustment. This includes situations in which the employer has pre-established the scope of employment.

This decision will undoubtedly have a significant impact in litigation for employers, trucking companies, and commercial motor vehicle insurers doing business in Louisiana. Plaintiffs may now attempt to broaden the scope of discovery regarding an employer's corporate hiring practices, training protocols, and safety rules. However, it's important to note that a plaintiff's independent claim against an employer for negligent hiring, training, etc. must still have merit. Otherwise, the employer will be entitled to summary judgment and a dismissal of such claims. With more than 35 years of experience, Galloway can quickly tell the difference, and is prepared to defend against any potential frivolous claims and fishing expeditions in discovery.

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