

## Motor Vehicle Accident – Summary Judgment

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Timothy R. Scannell

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Boyle | Shaughnessy Law attorneys, Tim Scannell and Ryan Downing, recently obtained summary judgment on behalf of his client, Ally Financial, Inc., D/B/A, Vault Trust. The plaintiff in a motor vehicle accident case, claimed that the lessor of a vehicle operator should be held vicariously liable for the negligence of the operator. Pursuant to 49 U.S.C. § 30106 (a), commonly referred to as the Graves Amendment, a lessor will not be held liable for the negligence of a lessee so long as the (1) the owner is engaged in the trade or business of renting or leasing motor vehicles; (2) there is no negligence on the part of the owner; (3) and there is no criminal wrongdoing on the part of the owner. The defense demonstrated that there was no genuine issue of material fact in regard to meeting all three requirements. Additionally, the defense relied on the Supreme Court decision, *Rodriguez v. Testa*, 296 Conn. 1, 993 A.2d 955 (2010), to set forth the interplay between General Statutes § 14-154a (b) and the Graves Amendment. In *Rodriguez*, the Court held both that the Graves Amendment is constitutional, and that it preempts our state statute. The Waterbury Superior Court granted the defendant's motion for summary judgment, citing to 49 U.S.C. § 30106 (a) and the decision in *Rodriguez v. Testa*.