

MAINE LAW UPDATE

Estate of Lois W. Smith, et al. v. Timothy Salvesen, 2016 ME 100, 143 A.3d 780.

Topics: (premises liability, proximate causation)

To the frustration of the defense bar, the Maine Supreme Judicial Court (“the Law Court”) recently held that its decision in Brian Addy, et al. v. Jenkins, Inc., 2009 ME 46, 969 A.2d 935, did not heighten the standard for establishing a reasonable inference of proximate cause in tort litigation.

This lawsuit arose out of an incident that took place when the plaintiff and his wife traveled to Maine to attend an event at which they were to be honored. The couple made arrangements to stay at the Maine Farmhouse, a guesthouse owned and operated by the defendant in Bryant Pond, Maine. During their stay, the plaintiff awoke one morning to the sound of a loud crash. He ran out of his room to find his wife lying on a landing of the staircase near their bedroom. His wife was transported to the hospital and died the next day from her injuries. The plaintiff sued the defendant for negligence and wrongful death under 18-A M.R.S. § 2-804 (2015), alleging that the guesthouse was “unreasonably dangerous, in part because the staircase in the bedroom did not conform to applicable safety standards, and that the defects were the proximate cause of [his wife’s] fatal injuries.” 2016 ME 100 at ¶¶ 5-6.

The defendant later moved for summary judgment, arguing that the evidence failed to support a claim that any alleged negligence by the defendant caused the plaintiff’s wife to fall down the stairs. In support of its position, the defendant cited deposition testimony that the plaintiff had no knowledge of what his wife was doing prior to the fall. The defendant also relied heavily on the Court’s reasoning in Addy v. Jenkins, that a defendant was entitled to summary judgment when “there [was] so little evidence tending to show the defendant’s acts or omissions were the proximate cause of the plaintiff’s injuries that the jury would have to engage in *conjecture or speculation*.” See Addy, 2009 ME 46 at ¶ 12 (emphasis added). In Addy, the Court upheld summary judgment due to the lack of direct evidence on the issue of proximate causation when there was only evidence as to *where* the plaintiff fell, rather than *how* he fell. Id. at ¶ 14. It was this ruling that caused fear among the plaintiff’s bar that they now had to meet a high standard to survive summary judgment in similar cases.

In Estate of Smith, however, the Law Court limited the reach of Addy. The Court reasoned that, in a number of other cases, it had found that an inference of causation was not unduly speculative where the evidence was sufficient for a fact-finder to determine that the plaintiff came into direct contact with an allegedly dangerous condition created by the defendant. Estate of Smith, 2016 ME 100 at ¶ 23 (citing to Marcoux v. Parker Hannifan, 2005 ME 107, 881 A.2d 1138; Rodrigue v. Rodrigue, 1997 ME 99, 694 A.2d 924; Thompson v. Frankus, 151 Me. 54, 115 A.2d 718 (1955)). Because the facts in Addy were distinguishable from those in Estate of Smith, the holding in Addy was not controlling. The Court nonetheless held the evidence of causation in Estate of Smith was insufficient to survive summary judgment because the “present record would not even allow a determination that [plaintiff’s wife] fell when she was on the staircase.” Id.

The effect of the Court’s decision was to limit its holding in Addy. Despite the strong language of the Addy decision, the Court made clear that Addy did not in fact stand for the proposition that a

jury could not, without any direct evidence connecting the defendant's acts or omissions and the plaintiff's injury, reasonably infer causation.

If you have any questions or concerns about this Maine Law Update, please contact Michael P. Johnson at (207) 523-3412.