

OHIO CASE SUMMARIES
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Ohio case summaries are brief descriptions of cases decided in the past week by the Ohio Supreme Court and lower appellate courts on issues related to insurance law. Except for holidays, these summaries will be provided Wednesday and Friday of each week. To discontinue receiving this service, please call Jared Wagner at 937-224-3333 or email Jared at jawagner@green-law.com.

Court of Appeals: Second District

Case Name: *Siegenthaler v. Johnson Welded Prods., Inc.*, 2006-Ohio-5588

Decided: October 20, 2006 (posted October 26, 2006)

Issue(s): Course and Scope of Employment / Proximate Causation

Summary of Opinion: Plaintiff was injured when Defendant's employee negligently caused a motor vehicle collision. At the time of the collision, the employee was on a lunch break and was driving his own personal vehicle to his friend's house for lunch. Plaintiff alleged that Defendant was liable because the employee was acting in the course and scope of his employment at the time of the accident. Plaintiff also alleged that Defendant was the proximate cause of the accident because it only gave the employee a 35 minute lunch break and had not inquired into the employee's driving record prior to hiring him. The trial court granted Defendant summary judgment. On appeal, the Second District affirmed the trial court's decision. On the issue of respondeat superior, the appellate court held that the employee was not acting in the course and scope of his employment because Defendant did not control the manner in which the employee operated his vehicle on the lunch break. On the issue of proximate causation, the Second District refused to impose liability on Defendant merely because the employee's ability to drive his vehicle was arguably adversely affected by the short lunch break. Defendant did not determine how, when, or where the employee would spend the lunch break. Even if the length of the lunch break could be determined to be a but for cause of the accident, it was too remote to be considered a proximate cause. Finally, the appellate court also held that the failure to check employee's driving record could not be considered a proximate cause of the accident because the employee did not drive as part of his employment with Defendant and Defendant did not control the manner in which the employee came and left work.

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