

STATE OF MAINE
CUMBERLAND, ss.

STATE OF MAINE
Cumberland County Clerk's Office

SUPERIOR COURT
CIVIL ACTION
Docket No. CV-12-361

DENNIS C. STEINERT and THE
STEINERT COMPANY, INC.,

FEB 27 2015
RECEIVED

Plaintiffs

ORDER

v.

DEBORAH A. LAFRANCE,

Defendant

Before the court is Defendant Deborah LaFrance's Motion for Summary Judgment pursuant to Maine Rule of Civil Procedure 56 on Plaintiff The Steinert Company, Inc.'s negligence claim following a motor-vehicle accident involving Dennis Steinert and Ms. LaFrance. Plaintiffs Mr. Steinert and The Steinert Company, Inc. have opposed Ms. LaFrance's Motion. The court held a hearing on this matter on January 8, 2014. After reviewing the parties' memoranda and statements of material facts, the summary judgment record, and hearing oral arguments on the Motion, the court has determined that Ms. LaFrance's Motion shall be granted.

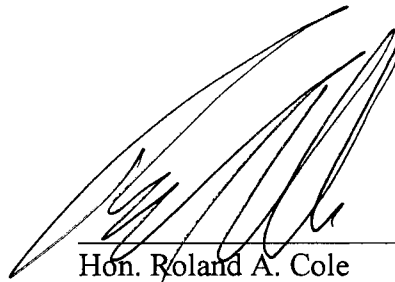
In *Flynn Const. Co., Inc. v. Poulin*, a negligence action also involving a motor-vehicle accident and a company employee, the Law Court held that the company could not recover for the cost of a replacement employee for the injured employee. 570 A.2d 1200, 1202 (Me. 1990). The Law Court held that if the company recovered, it would constitute double liability for the defendant, as the injured employee had sought and received damages for loss of earning capacity from the defendant. *Id.* Similarly, in this action, Mr. Steinert is also seeking damages from Ms. LaFrance for lost wages and impaired earning capacity and The Steinert Company is seeking damages for financial losses.

Lastly, the court notes that The Steinert Company has failed to show that the alleged damages to The Steinert Company were foreseeable to Ms. LaFrance.

Accordingly, this court ORDERS that Defendant's Motion is **GRANTED**. Count II of Plaintiffs' Amended Complaint is dismissed.

The Clerk is directed to incorporate this Order into the docket by reference pursuant to Maine Rule of Civil Procedure 79(a).

Dated: February 27, 2015



Hon. Roland A. Cole
Superior Court Justice

DENNIS C STEINERT VS DEBORAH A LAFRANCE
UTN:AOCSSr -2012-0083432

CASE #:PORSC-CV-2012-00361

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RMVL 09/21/2012

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F DENNIS C STEINERT PL RTND 08/27/2012

03 0000009296 MILLER, JACK D
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F DEBORAH A LAFRANCE DEF RTND 09/20/2012