

What - This Is MY Fault?!? Indiana Supreme Court Expands Employers' Respondeat Superior Liability For The Acts Of Their Employees

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Earlier this month, the Indiana Supreme Court issued an opinion in *Knighten v. East Chicago Housing Authority* which expands employers' liability for acts of their employees under the doctrine of *respondeat superior*. In *Knighten*, the East Chicago Housing Authority contracted with a security company to provide guards at its facility. One of the security guards was romantically involved with a resident of the Housing Authority. The guard got into an argument with the resident while he was on duty and shot her, paralyzing her below the waist. When the injured woman sued the security company and the housing authority for negligence, the trial court granted summary judgment to the security company and housing authority. The plaintiff appealed the decision with regard to the security company, but the Court of Appeals affirmed the decision, holding the guard was not acting in the scope of his employment because he left his post, argued with the plaintiff and shot her. The Indiana Supreme Court reversed, holding that there was a question of fact whether the guard was acting in the scope of his employment. The court reasoned that it could imagine some scenarios in which the shooting might have occurred in the scope of the guard's employment. The *Knighten* decision suggests the court would prefer that juries, rather than judges, decide whether an employee was acting within the scope of employment. This is likely to result in fewer dismissals of *respondeat superior* cases at summary judgment, even when the acts at issue appear to be done solely for the employee's personal benefit.

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