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Marjerison Posts Law Court Win

Tom Marjerison recently secured an appellate victory before the Maine Law Court in *Wilson v. Gurney*, which addressed the scope of a homeowner's liability for the acts of third parties on their premises.

In *Wilson*, the 18-year-old Defendant hosted a house party that quickly raged out of control. As a result, uninvited guests arrived and were asked to leave. When one group of uninvited guests snuck back into the house, the Defendant ordered them. The Plaintiff helped escort the uninvited guests out and was suddenly shot by one of them suffering serious injuries.

In its decision, the Law Court held that the 18-year-old Defendant and her mother did not have a duty to protect the Plaintiff from the criminal act of a third party based on an alleged "special relationship" and that they did not create an unreasonably dangerous condition that caused the Plaintiff's injury. Accordingly, the Superior Court properly granted summary judgment. The Law Court's decision relied heavily on its prior holding in *Gniadek v. Camp Sunshine*, 2011 ME 11, 11 A.2d 308, which was also handled by Tom Marjerison, and reaffirmed its prior case law that "special relationships" imposing a heightened duty of care require a fiduciary relationship marked by "a great disparity of position and influence."

For more information on this decision or related issues, please contact Tom Marjerison.

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