

AmeriGas Propane, LP v. Landstar Ranger, Inc. (2014) 230 Cal.App.4th 1153

Substantial evidence supported trial court's finding that carrier did not violate Federal Motor Carrier Safety Regulations, and even if a violation did occur, it was not the proximate cause of plaintiff's injuries.

FACTS AND PROCEDURAL POSTURE

Steven King, the plaintiff in the underlying suit, was a truck driver hired by Landstar Ranger, Inc. to transport propane tanks for AmeriGas Propane, LP. On April 14, 2005 King delivered a load of thirty 475 pound propane tanks from one AmeriGas facility to another. King had extensive experience as a commercial truck driver, and had secured the load himself when he picked it up. Upon arrival at the destination, King unstrapped the tanks at the instruction of an AmeriGas employee. Although the proper equipment to unload the tanks was not present, the AmeriGas employee attempted to unload the tanks using a forklift. The forklift allegedly lifted the back of the trailer, shaking it. King was injured when one of the propane tanks fell and landed on him.

King filed a personal injury suit against AmeriGas and the employee, alleging that the employee negligently unloaded the tanks. AmeriGas cross-complained against Landstar for indemnification, contribution, and declaratory relief. King settled his claim with AmeriGas for \$3.3 million. Landstar then moved for summary judgment on the cross-complaint. The court granted the motion on the ground that AmeriGas's cross-complaint was barred by the workers' compensation exclusive remedy doctrine because King was a Landstar employee. AmeriGas appealed. On appeal the court reversed, holding that there was a triable issue of fact as to whether King was a Landstar employee.

AmeriGas amended the cross-complaint to allege two causes of action: (1) equitable indemnity, and (2) contribution. AmeriGas contended that Landstar violated Federal Motor Carrier Safety Regulations (FMSCR). After a three day bench trial, the trial court held that AmeriGas was unable to demonstrate any damage or loss for which it could recover from Landstar, and that no FMCSRs applied to the facts of the case. AmeriGas appealed.

DISCUSSION

AmeriGas' first contention on appeal was that the trial court erred in not applying the law-of-the-case doctrine, which states that the decision of an appellate court, stating a rule of law necessary to the decision of the case, conclusively establishes that rule and makes it determinative of the rights of the same parties in any subsequent retrial or appeal in the same case. AmeriGas argued that the trial court's determination that Landstar owed no duty as a matter of law violated the rule because during the first appeal, the court impliedly held that Landstar owed a legal duty under the FMCSRs. The court of appeal disagreed, noting that the issue of the FMCSR's application to post-transit unloading of cargo was not addressed during the first appeal.

AmeriGas' indemnification claim was premised on Landstar's independent negligent acts violating FMCSRs – AmeriGas alleged that Landstar violated the FMCSRs by failing to ensure that its drivers were properly trained. Thus, the issue was whether the evidence and law supported the trial court's finding that Landstar was not independently negligent, and whether any FMCSA violations by Landstar substantially caused or contributed to King's injury. The court agreed with the trial court's

conclusion that the FMCSRs do not apply to unloading, as the primary purpose is to prevent accidents on the highway. There was substantial evidence that King experienced no trouble in transporting the load, and therefore, that Landstar did not violate the FMCSRs. There was also substantial evidence that even if Landstar violated FMCSRs, such violations did not substantially cause King's injuries. The evidence supported the trial court's conclusion that the accident was proximately caused by the negligent unloading of the tanks.