



wall, and Bosse and Griffin were seriously injured. The Chili's patron drove past the crash scene and was never identified.

Bosse and Griffin sued Chili's for compensatory damages for their injuries. The plaintiffs argued that the patron was an agent of Chili's, and therefore Chili's was liable to the plaintiffs, based on the doctrine of *respondeat superior*, which holds a principal liable for the acts of its agents. Chili's filed a motion for summary judgment, arguing that the patron was not its agent.

### Issue

Is the restaurant patron who engaged in the high-speed car chase an agent of Chili's?

### Language of the Court

*The evidence is insufficient to create a genuine issue whether Chili's appointed or authorized the patron to act as a posse to conduct the chase. No information indicates any preliminary communication between the patron and restaurant manager. The events were spontaneous and fast breaking. No member of Chili's house staff joined in the pursuit.*

*The plaintiffs argue that Chili's effectively assented to an agency relationship by acceptance of the patron's reconnaissance reports during*

*the course of the chase; and by failure to instruct him to break off the chase. That circumstance is not enough. The patron need not have been an agent to engage in that conduct. He was pursuing petty crime. Chili's was reporting the petty crime to the police. No information indicates that Chili's had any effective control over the patron.*

### Decision

The superior court held that the restaurant patron who engaged in the high-speed chase in which the plaintiffs were injured was not the agent of Chili's restaurant. The superior court granted summary judgment to Chili's.

### Case Questions

#### Critical Legal Thinking

What does the doctrine of *respondeat superior* provide? Explain.

#### Ethics

Why do you think the plaintiffs sued Chili's? Do you think they had a very good chance of winning the lawsuit against Chili's?

#### Contemporary Business

Did the elements exist to make the restaurant patron an agent of Chili's restaurant? Explain. Is the restaurant patron liable?