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## 2001 Survey of Rhode Island Law: Cases: Conflict of Law

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**Conflict of Laws.** *Najarian v. National Amusements, Inc.*, 768 A.2d 1253 (R.I. 2001). In personal injury actions, the law of the state where the injury occurs determines the rights and responsibilities of the parties unless the law of another state has a more significant relationship to the issue.

#### FACTS AND TRAVEL

In July, 1994, Hope L. Andersen (Andersen), a resident of East Providence, Rhode Island, went to the Showcase Cinema in Seekonk, Massachusetts with her sister and brother-in-law to see a matinee movie.<sup>1</sup> The group purchased their tickets and proceeded to the theatre in which their movie was showing. When the group arrived at the theatre, Andersen looked in and "was amazed at the utter darkness."<sup>2</sup> The group stepped into the theatre and Andersen moved to a small standing room area to her left while her brother-in-law searched the theatre for vacant seats.<sup>3</sup> Shortly thereafter, as Andersen was about to proceed to a group of empty seats that her brother-in-law had located, she attempted to steady herself by leaning on a wall that she mistakenly thought was to her left. There being no wall where she thought there was one, Andersen fell to the ground and broke her hip and left elbow.<sup>4</sup>

Andersen filed a negligence suit against National Amusements, Inc. and Showcase Cinemas 1-10 (collectively, Showcase) in Rhode Island Superior Court.<sup>5</sup> Andersen alleged that Showcase failed to maintain its premises in a reasonably safe manner thereby causing her fall and injury.<sup>6</sup> Specifically, Andersen alleged that Showcase was negligent in failing to provide adequate lighting, adequate signs and personnel to assist patrons entering the theatre.<sup>7</sup>

Prior to trial, Showcase filed a motion *in limine* seeking to apply Massachusetts law to the case.<sup>8</sup> Under Massachusetts law, re-

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1. *Najarian v. Nat'l Amusements, Inc.*, 768 A.2d 1253, 1254 (R.I. 2001). Andersen died in December 1995 and Carol Najarian, as executrix of Andersen's estate, was substituted as the plaintiff.

2. *Id.*

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

covery would be barred if Andersen's negligence exceeded Showcase's.<sup>9</sup> Conversely, "Rhode Island applies 'pure' comparative negligence under which there is no such cut-off limitation to recovery."<sup>10</sup> The trial judge denied Showcase's motion and applied Rhode Island's pure comparative negligence law.<sup>11</sup>

After trial, the jury returned a verdict finding Showcase forty percent negligent and Andersen sixty percent negligent.<sup>12</sup> Showcase appealed for a new trial claiming, among other things, that the trial judge erred in applying Rhode Island law rather than Massachusetts law.<sup>13</sup> The appeal was denied and judgment was entered accordingly.<sup>14</sup> Thereafter, Showcase appealed to the supreme court.<sup>15</sup>

#### BACKGROUND

Rhode Island courts apply an "interest-weighting" approach in deciding choice of law questions.<sup>16</sup> Under this approach, a court looks to the particular facts and applies the law of the state that bears the most significant relationship to the event and the parties.<sup>17</sup> In personal injury actions, the law of the state where the injury occurs determines the rights and responsibilities of the parties unless the law of another state has a more significant relationship to the issue.<sup>18</sup> Factors relevant to that inquiry are "(1) predictability of result; (2) maintenance of interstate and international order; (3) simplification of the judicial task; (4) advancement of the forum's governmental interests; and (5) application of the better rule of law."<sup>19</sup> In applying these factors to tort cases, contacts to be considered are "(a) the place where the injury occurred, (b) the place where the conduct causing the injury occurred, (c) the domicile, residence, nationality, place of incorporation and place of

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9. *Id.* (citing Mass. Gen. Laws Ann. ch. 231, § 85 (West 2000)).

10. *Id.* (citing R.I. Gen. Laws § 9-20-4 (2001)).

11. *Id.*

12. *Id.*

13. *Id.* at 1254-55.

14. *See id.* at 1255 (vacating the judgment of the superior court).

15. *Id.*

16. *Id.* (citing *Woodward v. Stewart*, 243 A.2d 917, 923 (R.I. 1968)).

17. *Id.*

18. *Id.* (quoting *Blais v. Aetna Cas. & Sur. Co.*, 526 A.2d 854, 856-57 (R.I. 1987) (quoting Restatement (Second) *Conflict of Laws* § 146)).

19. *Id.* (quoting *Pardey v. Boulevard Billiard Club*, 518 A.2d 1349, 1351 (R.I. 1986)).

business of the parties, and (d) the place where the relationship, if any, between the parties is centered.”<sup>20</sup>

#### ANALYSIS AND HOLDING

The supreme court applied the above listed factors when it considered the choice of law question presented by Showcase. Although Andersen was a Rhode Island domiciliary and Showcase both advertised and registered as a foreign corporation in Rhode Island, the court held that Massachusetts had the most significant interest in this case.<sup>21</sup> The injury and alleged negligent conduct causing the injury occurred in Massachusetts. The relationship between Andersen and Showcase was entered into in Massachusetts. The headquarters of National Amusements and the place of business at issue were Massachusetts. Moreover, the parties might reasonably have expected Massachusetts law to apply to an injury that occurred at a Massachusetts movie theatre.<sup>22</sup> Further, Massachusetts has a significant interest in regulating premises liability for Massachusetts premises.<sup>23</sup> Thus, concerns with predictability and maintenance of interstate order weigh in favor of Massachusetts.<sup>24</sup> Accordingly, the trial judge erred in applying Rhode Island law rather than Massachusetts law.<sup>25</sup>

Because Massachusetts law denies recovery in personal injury cases where the plaintiff's negligence exceeds the defendant's negligence, as was found in this case, the supreme court vacated the judgment of the superior court and the case was remanded with instructions to enter judgment for defendant based on the application of Massachusetts law.<sup>26</sup>

#### CONCLUSION

In personal injury actions, the applicable substantive law is determined by location where the injury occurred unless there are other factors showing that the laws of another state have a more

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20. *Id.* (quoting *Brown v. Church of the Holy Name of Jesus*, 252 A.2d 176, at 179 (R.I. 1969) (quoting Restatement (Second) Conflict of Laws, § 145(2) (1971))).

21. *Id.*

22. *Id.*

23. *Id.*

24. *Id.* (citing *Pardey*, 518 A.2d at 1351).

25. *Id.*

26. *Id.* at 1255-56.

significant relationship to the issues. In *Najarian*, Rhode Island law did not bear a significant relationship to the issues such that its application was required. Rather, concerns with predictability and maintenance of interstate order called for the application of Massachusetts law.

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