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Technology  
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Trade Secret  
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Veterans

Home >> Court Cases >> Conflict of Laws >> Auto Accident in D.C. Involves Conflicting Laws Analysis

## Conflict of Laws

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### Auto Accident in D.C. Involves Conflicting Laws Analysis

**Maryland Law Applied to One Issue; D.C. Law to Others**  
**Bailey v. J & B Trucking Services, Inc., ---F.Supp.2d---, 2008 WL 5082978 (D.D.C., Dec. 2, 2008)**

Sergio Rolando Sanabria, a commercial truck driver employed by J & B Trucking, left his work truck running and unattended outside of his home in Hyattsville, Maryland while it was warming up. Onorio T. Cifuentes stole the truck, drove it to the District of Columbia, and crashed into Keith Bailey's vehicle, causing serious long-term injuries to Bailey.

Bailey sued J & B Trucking for negligence. Both sides moved for summary judgment, which required the District Court to first determine which jurisdiction's law applied.

Under District of Columbia's tort law, a person who leaves keys in an unattended, unlocked vehicle parked in a publicly accessible place may be held liable to a third party for injuries caused by a thief who steals the vehicle. Under Maryland tort law, that same person cannot be liable because the act of stealing the car constitutes an intervening and superseding act which breaks the chain of causation. Federal courts in diversity cases must apply the choice-of-law principles of the state in which they sit, thus District of Columbia choice-of-law principles determined which jurisdiction's substantive law applied.

Under District of Columbia's principles, the "court must first determine if there is a conflict between the laws of the relevant jurisdictions." A conflict only exists if each jurisdiction has an interest in the application of its own law to the facts. Bailey argued that there was no conflict between the jurisdictions, because under Maryland's choice-of-law provisions it would apply District of Columbia tort law to the case. J & B Trucking argued that the Maryland choice-of-law rules were irrelevant. The Court sided with Bailey and determined that Maryland's interest would be greatly diminished if its choice-of-law principles would apply District of Columbia substantive law. Because there was no conflict of interest between Maryland and the District of Columbia, the Court determined that the District's tort law would apply to this case.

Even though the Court determined that District of Columbia law would apply to the negligence and proximate cause aspects of the case, it held that a different jurisdiction's laws could govern the *respondeat superior* aspect. The District of Columbia looks to Section 145 of the Restatement (Second) of Conflict of Laws in determining which jurisdiction's law applies to a tort case. The Restatement enumerates four factors: (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, etc; and (d) the place where the relationship is centered. The Court held that under those factors, Maryland had a more significant interest in having its law govern *respondeat superior* liability.

After the determination of which jurisdiction's substantive law applied, the Court denied both motions for summary judgment because factual disputes existed as to whether Sanabria was negligent and whether his actions were the proximate cause of Bailey's injuries.

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