

# Minnesota Supreme Court Watch

BRIGGS AND MORGAN

## Tracking Activity at the State's High Court

January 26, 2010

### Issues Before The Supreme Court

The Supreme Court has approximately 45 civil cases pending for decision covering a wide range of topics. The court has a significant number of cases involving employment law (five cases pending), the property rights of landowners (10 cases pending) and the application of immunity under a variety of circumstances (five cases pending).

Some issues for which the Supreme Court has granted review are:

- The effect of a plaintiff's settlement with an employee, *Booth v. Gades*, where the court of appeals held the release did not destroy the employer's liability;
- Whether a defendant who voluntarily reported possible sexual abuse is immune from tort liability, *J.E.B. v. Danks*, where court of appeals held "yes";
- Whether a municipality has authority to issue an interim ordinance prohibiting all pawn shop permits, *Pawn America v. City of St. Louis Park*, where court of appeals held "yes;"
- Whether a municipality has authority to grant a variance that would expand non-conformity, *Krummenacher v. City of Minnetonka*, where court of appeals held "yes."

### Recent Decision Precludes State Claims On Federal Preemption Grounds

In a unanimous decision, the Minnesota Supreme Court strictly enforced a federal regulatory scheme to preempt litigation that sought to impose personal injury liability upon rental-vehicle owners, here, Enterprise Rent-A-Car Co. Defendants may use this precedent in a variety of industries to illuminate the Court's deference to federal regulation.

*Meyer v. Nwokedi* arose from a single-car accident in which two people were killed and two others were injured. The lawsuit named as defendants both the driver and owner of the rental car; the rental car company was sued on a theories of vicarious liability and negligent entrustment.

Despite finding federal preemption to be generally disfavored, the high court held the claims against the rental car company to be precluded by the Graves Amendment, 49 U.S.C. § 30106 (2006). The Court enforced the plain terms of the federal legislation (including exceptions) to hold that Congress prohibited the tort claims pressed by the plaintiffs.

### About Us

Minnesota Supreme Court Watch is a bi-monthly newsletter brought to you by Briggs and Morgan's Appellate Practice Group. It tracks cases at the Minnesota Supreme Court and highlights key civil cases before they have been decided, and also alerts you of any important developments or events.

Briggs' Appellate Group consults with law firms and individual practitioners on matters

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pending appeal, and also offers skilled representation in state and federal appellate courts. If you have questions about the appellate process, including amicus representation, please contact a member of the [Appellate Group](#).

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