

496 N.W.2d 419
Court of Appeals of Minnesota.

Jean Marie YUNKER, as trustee for the heirs and
next-of-kin of Kathleen M. Nesser, Appellant,
v.
HONEYWELL, INC., a Delaware
Corporation, Respondent.

No. C5-92-1649. | March 2,
1993. | Review Denied April 20, 1993.

Wrongful death action was brought against employer after employee shot and killed co-worker. The District Court, Hennepin County, H. Peter Albrecht, J., granted summary judgment for the employer. Trustee for the co-worker's heirs and next-of-kin appealed. The Court of Appeals, Lansing, J., held that: (1) the employer could not be held liable under a **negligent** supervision theory where the shooting did not occur on the employer's premises and where the employer's chattels were not used to cause harm; (2) the employer was not liable for **negligently** rehiring the employee after his incarceration for an earlier killing; and (3) the harm to the particular co-worker was sufficiently foreseeable for the employer to owe her a duty of care.

Affirmed in part, reversed in part, and remanded.

West Headnotes (11)

[1] **Negligence**

↔ Necessity and Existence of Duty

Existence of legal duty, as element of **negligence** claim, depends on relationship among parties and foreseeability of harm to others.

9 Cases that cite this headnote

[2] **Negligence**

↔ Public Policy Concerns

Public policy is major consideration in identifying legal duty as element of **negligence** claim.

2 Cases that cite this headnote

[3] **Labor and Employment**

↔ Assaults

Employer was not vicariously liable under theory of **negligent** supervision for employee's murder of co-worker where employee was neither on employer's premises nor using employer's chattels when he shot and killed co-worker.

1 Cases that cite this headnote

[4] **Labor and Employment**

↔ **Negligent** Hiring

Labor and Employment

↔ **Negligent Retention**

Theories of **negligent** hiring and **negligent retention** impose direct liability on employer for employee's intentional tort when employer knew or should have known that employee was violent or aggressive and could engage in injurious conduct.

42 Cases that cite this headnote

[5] **Labor and Employment**

↔ Assaults

Labor and Employment

↔ **Negligent** Hiring

Employer was not liable under theory of **negligent** hiring for failing to investigate criminal background of employee who murdered co-worker where employee's job responsibilities as maintenance worker entailed no exposure to general public and required only limited contact with co-workers; job responsibilities did not involve inherent dangers to others and co-worker was not reasonably foreseeable victim at time of hiring.

13 Cases that cite this headnote

[6] **Labor and Employment**

↔ **Negligent** Hiring

Labor and Employment

↔ Dangerous Propensities

Labor and Employment

↔ Criminal Acts

