



Case Brief – Case One - Maurillo v. Park Slope U-Haul

Parties:

Alex Maurillo, Sr. (Father) – (Died 2013)
Alex Maurillo, Jr. (Son/Renter/Driver)
Michael Maurillo (Son/Plaintiff/Paraplegic)

Eleanor Maurillo (Wife)
Christopher Maurillo (Son)
Hazel Sylvester (Manager Park Slope UHaul)

Lawyers:

Jeffrey Lichtman (Counsel for U-Haul)
Herman Schmertz (Counsel for Michael / Alex Maurillo, Sr)

Lawrence Epstein (Counsel for Alex Maurillo, Jr.)

Facts:

On July 23, 1987, the plaintiff Alex Maurillo, Sr., asked his three sons, the coplaintiff Michael Maurillo, the defendant Alex Maurillo, Jr., and Christopher Maurillo, to remove certain furniture from the Maurillo family home in Brooklyn and transport it to the family's summer home on Shelter Island.

Alex Maurillo, Jr. testified that his father specifically indicated that he should rent a U-Haul vehicle for this purpose, his father provided a credit card in his name to pay for the vehicle's rental, and his father "pointed out several things" which were to be transported.

Pursuant to his father's request and instructions, Alex Maurillo, Jr. rented a U-Haul vehicle from the defendant Park Slope U-Haul, and with the help of his brothers, loaded the furniture into the van.

The trip to Shelter Island was uneventful.

After delivering the furniture, the sons began the return journey to Brooklyn later that same day.

At the time of the accident, Alex Maurillo, Jr. was driving the vehicle, Christopher Maurillo was seated in the front passenger seat and Michael, the injured plaintiff, was a passenger in the cargo area of the van. Also in the van at that time were three unrelated individuals — friends of the Maurillo brothers — whom the brothers had agreed to drop off in Sag Harbor at a nightclub known as Bay Street.

During the operation of the vehicle, Michael repeatedly stood up to close the cargo door, which opened and closed during the trip.

At approximately 11:10 P.M., as the van was proceeding through the parking lot of the Bay Street nightclub, it came to a sudden and abrupt stop.

When Alex stopped the vehicle, Michael was standing up in the cargo area attempting to close the rear cargo door.

As a result of this sudden stop, Michael was propelled to the floor of the van, causing him to sustain severe injury to his cervical spine that rendered him a paraplegic.

Issue:

Can an agency relationship be found to exist even when gratuitous between family members?

Holding:

Yes.

Discussion:

The Court held that sufficient facts were offered in this case to demonstrate the possibility of a principal-agent relationship at the time the accident occurred. Its continued that where the circumstances alleged in the pleading "raise the possibility of a principal-agent relationship", and no written authority for the agency is established, questions as to the existence and scope of the agency must be submitted to the jury.

The court further stated that agency liability exists even though the principal does not specifically ratify, participate in, or know of such "misconduct", or even if he forbade or disapproved of an act. Furthermore, the "[m]ere deviation from the ordinary route or from that selected by the master, even for a purpose conceived by the servant, does not relieve the master from liability if his business, generally speaking, is still being carried on" Here, the court found that the very slight deviation necessary to drop off the friends at the Bay Street nightclub, which was adjacent to the very road which the Maurillos would take to ultimately proceed back to Brooklyn, did not alter the agency relationship. Additionally, since Alex Maurillo, Sr. expected his sons to return to Brooklyn that same day in order to return the U-Haul vehicle the following morning, the agency relationship extended at least until the return to Brooklyn.