

# TEXAS LAW★ALERT

## Dallas Court of Appeals Affirms Summary Judgments for Fletcher Farley Clients

In the spring of 2019, [Julia Sinor](#) and [Lorin Subar](#) obtained summary judgments for three national clients in a case where the Plaintiff had alleged that she was assaulted by a contractor sent to her home. Wednesday, the Dallas Court of Appeals affirmed the summary judgments. The opinion handed down by the appellate court is significant in a number of respects. First, the Court reaffirmed prior holdings that generally an employer cannot be liable for the intentional torts of their employees. Second, the Court held that an employer cannot be liable merely because it has policies against and trains its employees not to commit bad acts. Finally, the Court again emphasized that employers can help shield themselves from liability by conducting background checks of prospective employees. The Court noted that the employer in the present matter had conducted a third-party background check prior to employment that did not raise any red flags, and there had not been complaints about the employee or other behavior indicating he would commit an assault. Therefore, the later bad acts by the employee were not reasonably foreseeable. The opinion in *Harris v. MasTec North America, Inc.*, 2020 WL 6305028 (Tex. App.—Dallas Oct. 28, 2020, no pet. h.), can be found by [clicking here](#).

### ABOUT THE FIRM:

Fletcher, Farley, Shipman & Salinas LLP is a dedicated business defense firm with offices in Dallas and Austin. The firm's attorneys leverage their extensive experience and skills as trial and appellate attorneys to achieve resolution both inside and outside of the courthouse in matters including the defense of tort litigation, business and commercial litigation, construction, insurance, employment and dispute resolution. The firm's unique Rapid Response Team™ provides a legal forensic service that can be deployed nationwide around the clock, within moments, to assist clients in responding to catastrophic losses.

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