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Truck Case – Truck’s Logo Enough to Preclude Dismissal

By Jack Weston

Case Name: *Blint v USF Holland, Inc, et al*

Issue: Whether Plaintiff’s claim that her injury was caused by a truck allegedly bearing a logo potentially resembling the logos of several trucking companies, without a specific identification as to whether the involved truck was actually owned by any of those trucking companies, is sufficient to survive summary disposition.

Court: Michigan Court of Appeals. Unpublished

History: A tractor-trailer struck plaintiff Doreen Bint’s vehicle while it was pulled to the side of the road during a severe snowstorm, injuring her severely. According to Plaintiff, the truck that hit her displayed the orange letters “TNT” on its wind deflector. This account was partially corroborated by the testimony of another individual who saw a white and orange truck pass near the scene of the accident.

The record reflects that Plaintiff initially believed that USF Holland owned the truck because of its use of the orange TNT logo that Plaintiff saw on the truck’s wind deflector. USF Holland denied responsibility when the accident was reported, however, and subsequently destroyed all its records that could identify which of its trucks were in the area at the time. USF Holland asserted that several other companies also used the logo and argued that plaintiff had no hard evidence that she was hit by one of its trucks and not by a truck owned by some other company.

Suit followed against USF Holland. USF Holland reiterated its defenses in a motion for summary disposition. Plaintiff moved to amend her complaint to include other trucking companies that operated under the orange TNT logo. The trial court granted USF Holland’s motion and denied Plaintiffs’ motion to amend. The trial court held that Plaintiff did not present sufficient evidence to implicate USF Holland. Plaintiff appealed and the dismissal of the case by the trial court was reversed in all respects.

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The motor carrier’s destruction of all its records that identified which of its trucks were in the area at the time of the accident undoubtedly played a part in the Court of Appeals reversal of the Trial Court’s entry of summary disposition. Further, at trial Plaintiff would be entitled to a jury instruction that the jurors may infer that the destroyed records would have been adverse to the motor carrier.

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On remand, the trial court consolidated the original case with a new case naming several new defendants, but again granted summary disposition to each of the defendants. Plaintiff again appealed, claiming that the trial court improperly disregarded the previous opinion when it again granted summary disposition to USF Holland.

Holding: USF Holland, while admitting that it used the TNT logo in the area, argued that the circuit court properly granted it summary disposition because, on remand, it supplemented the record with affidavits from its drivers, in which the drivers all denied their involvement or presence in the area at the time of the accident. The Court of Appeals, however, held that these additional affidavits were only as strong as the credibility of USF Holland's drivers and that they did not eliminate the existence of contrary prima facie evidence – namely that Doreen Bint was struck by a truck bearing USF Holland's logo. The Court of Appeals therefore held that the circuit court erred by again granting summary disposition to USF Holland.

The Court of Appeals further held that defendants TST Solutions, Inc. and KPN, Inc. should not have been dismissed. These defendants had justified the trial court's grant of summary disposition to them by contending that Plaintiff presented no evidence that their companies' vehicles were involved in the accident. The Court noted that this position overlooked the fact that Plaintiff had presented evidence that a truck bearing their logo caused the collision. The Court held that this evidence, slight as it may be, sufficed to raise the factual issue of whether the truck belonged to one of them, and noted that the trial court must leave for the jury such determinations of evidential value. The case was remanded for trial.

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