

MGC Secures Complete Defense Win in Negligent Hiring and Retention Trial

September 28, 2026

CONTRIBUTORS

Madelyn E. Dukes

864-239-6737

madelyn.dukes@mgclaw.com

Ben Keohan

864.239.4015

ben.keohan@mgclaw.com

Robert L. Mebane, Jr.

864.239.4023

robert.mebane@mgclaw.com

Media Contact

Erica Gianetti

Marketing & Communications Supervisor

erica.gianetti@mgclaw.com

MGC attorneys Madelyn Dukes, Robert Mebane and Ben Keohan secured a complete defense victory for a small restaurant in a claim arising from an off-premises road-rage incident involving one of its employees and a non-customer. The plaintiff alleged the business was liable under theories of vicarious liability and negligent hiring, training, supervision and retention, arguing that the employee's past criminal record and the absence of a background check created an undue risk of harm. The plaintiff claimed approximately \$12,500 in economic damages tied to six months of medical treatment and sought punitive damages. Despite the modest medical expenses, they demanded \$2 million pre-trial and reduced their demand to \$800,000 on the morning of trial.

On the first day of trial, MGC moved for Summary Judgment. The Court granted the motion in full, ruling that the employee's off-premises conduct could not be attributed to the employer and that a prior criminal record, standing alone, does not bar employment or establish notice of an unreasonable risk to the public. All claims were dismissed with prejudice, fully resolving the matter in favor of MGC's client.

Questions? Click [here](#) to contact an MGC attorney.

This legal update is published as a service to our clients and friends. It is intended to provide general information and does not constitute legal advice regarding any specific situation. Past success does not indicate likelihood of success in any future legal representation. You may not reproduce, distribute, sell or republish this legal update, or the information contained therein, without prior written content. This legal update is for personal use only.