

LINDA A. BATES

v.

ECKHARDT TELECOMMUNICATIONS, INC.

Submitted on Briefs December 13, 2002

Decided December 16, 2002

Panel: SAUFLEY, C.J., and CLIFFORD, RUDMAN, DANA, ALEXANDER,
CALKINS, and LEVY, JJ.

MEMORANDUM OF DECISION

Linda Bates appeals from a summary judgment entered in District Court (Bangor, *Gunther, J.*) in favor of Eckhardt Telecommunications, Inc., on Bates' negligence claim arising out of an automobile accident with an Eckhardt Telecommunications employee. Contrary to Bates' contention, the court did not err in its interpretation and application of the RESTATEMENT (SECOND) OF AGENCY § 219(d) (1958), concerning liability for employees acting outside the scope of their employment. Summary judgment was proper because there are no disputed material facts and defendant is entitled to judgment as a matter of law. *See Levine v. RBK Caly Corp.*, 2001 ME 77, ¶ 4, 770 A.2d 653, 655.

The entry is:

Judgment affirmed.

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