

Tort

Safe Work Environment - Tortious Interference

Where (1) a plaintiff, while making a delivery to a defendant supermarket, was involved in an altercation with another vendor's delivery man, (2) the plaintiff's employer, a potato chip company, fired him as a result of the incident and (3) the plaintiff now seeks to hold the defendant supermarket liable for failure to provide a safe work environment, the defendant must be awarded summary judgment, "there being no evidence sufficient to raise a genuine issue of material fact that [the defendant] was aware or should have been aware that the work environment for plaintiff was unsafe."

Further, the defendant's motion for summary judgment is allowed as to the plaintiff's counts alleging tortious interference and assault and battery.

Finally, judgment shall enter in favor of the codefendants (the plaintiff's employer, Najib Bourouphel and Bourouphel's employer) as to the claims brought against them by the plaintiff.

Shields v. Wachusett Potato Chips Co., Inc., et al. (Lawyers Weekly No. 12-473-01) (2 pages), (Toomey, J.) Worcester Superior Court) Chester V Shea III for the plaintiff; David S. Katz for defendant Shop 'n Save; Edward P. Ryan Jr. and John M. O'Connor for Wachusett; Catherine M. Giordano for Najib Bourouphel; Thomas Franco for Middle East Bakery (Civil Action No. 99-2518B).