

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2015-005625

10/04/2016

HONORABLE JO LYNN GENTRY

CLERK OF THE COURT
T. Pavia
Deputy

VIOLET KAPLAN

DIEGO RODRIGUEZ

v.

ALLEN L SVEC, et al.

EDWIN A BARKEL
MICHAEL J PLATI
DAVID C POTTS

RULING

Pursuant to Rule 56, Arizona Rules of Civil Procedure, Defendant TBV Enterprises, Incorporated, d/b/a VSS Security Services (“VSS”) moved for summary judgment on Plaintiff Violet Kaplan’s (“Plaintiff”) claims. The Motion for Summary Judgment was filed July 11, 2016. No response has been filed.

Plaintiff allegedly suffered a loss as a result of a burglary. Plaintiff alleges that the burglary stemmed from the negligent issuance of a key fob to an individual named Alex Rodriguez, a guest of another owner within the condominium complex. Plaintiff claims Alex Rodriguez was able to use the key fob to access the condominium community and burglarize her unit.

Plaintiff’s complaint alleges Defendant VSS was negligent in the issuance of the key fob to Alex Rodriguez. Defendant argues it cannot be held liable for the issuance of the key fob because the evidence is uncontroverted that Co-Defendant property manager AAM, LLC (“AAM”) administered the issuance of key fobs for the condominium community, not VSS.

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Plaintiff's complaint further alleges VSS was negligent in the hiring/supervision and training of the contracted supervisors who manned the community desk and who managed the property. Defendants argue that negligent hiring/supervisions claims require proof that harm was caused by an employer's hiring of an improper person to work where such person involved a risk of harm to third parties and/or proof that the employer failed to adequately train and supervise such employees. Plaintiff has offered no such evidence and summary judgment is therefore appropriate on the negligent hiring/supervision claim.

Because Plaintiff failed to respond to the Motion, the court will deem the lack of response as consent to the position taken by Defendants in the Motion.

IT IS ORDERED granting the Motion for Summary Judgment as to Defendant VSS.

IT IS FURTHER ORDERED vacating the oral argument set for October 10, 2016.