

Problems and Problem Cases

1. Terry Williams sustained physical injuries in an accident involving a vehicle driven by Kellie Meagher. At the time of the accident, Meagher was allegedly using a cellular phone furnished by Cingular Wireless. Williams later sued Meagher and Cingular in an Indiana court. In the portion of the complaint pertaining to Cingular, Williams alleged that Cingular was negligent in furnishing a cellular phone to Meagher when it knew, or should have known, that the phone would be used while the user operated a motor vehicle. Cingular filed a motion to dismiss for failure to state a claim on which relief could be granted. After the trial court granted Cingular's motion, Williams appealed to the Indiana Court of Appeals. Was the trial court correct in granting Cingular's motion to dismiss?