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## FAMILY PURPOSE DOCTRINE DOES NOT INCLUDE ROMANTIC RELATIONSHIP

May 3, 2012 | Law Alerts

*Alosi v. Hewitt,*  
(Ct. Appeals, Division One, May 3, 2012).

Authored by the [JSH Appellate Team](#)

Plaintiff (husband) sued a driver who collided with him, the driver's employer company, and the related company that owned the car she was driving. Husband moved to amend the complaint to add Defendant under the family purpose doctrine, because Defendant was romantically involved with driver and owned both the company employing driver and the company owning the car she was driving. Plaintiff also argued Defendant was liable on a theory of respondeat superior because he owned both companies. The court denied the amendment and granted Defendant summary judgment on the vicarious liability claim.

The court of appeals affirmed. First, the family purpose doctrine does not extend to the boy- friend-girlfriend relationship. The doctrine applies in the parent-child relationship based on a desire to protect the public from accidents caused by inexperienced and financially insecure drivers. Application in boyfriend-girlfriend context would create a broad and impermissible source of vicarious liability. Second, respondeat superior does not apply based only on the romantic relationship between the company owner and the driver employee. The company owner was not the driver's supervisor and the record failed to show that the owner had control or the right to control the physical conduct of his girlfriend. The fact that Defendant owned the company employing driver, owned the company owning the car and was engaged in a romantic relationship with the driver employee was insufficient, without more, to support liability under respondeat superior.