

**BLOGS**

Vicarious Liability

## Pennsylvania Appellate Court Affirms Finding of Vicarious Liability Against Franchisor in Pizza Delivery Accident

The Superior Court of Pennsylvania recently affirmed a judgment holding Domino's Pizza vicariously liable for a motorcycle accident involving a franchisee's delivery driver. *Coryell v. Morris*, — A.3d —, 2025 Pa. Super. 28 (Jan. 31, 2025) (en banc).

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In 2016, a delivery driver employed by Domino's Pizza franchisee Robizza was delivering a pizza when he crashed his vehicle into a motorcyclist. The motorcyclist's leg was ultimately amputated as a result of the accident. The motorcyclist and his wife sued the delivery driver, Robizza, and Domino's, alleging negligence and loss of consortium. Domino's moved for summary judgment, arguing it did not exercise the necessary control of Robizza for a finding of liability against it. The court denied this motion. A jury ultimately found that the delivery driver negligently caused the vehicle collision, and that because Domino's exercised sufficient control over Robizza, Domino's was vicariously liable for the resulting damages. Following trial, Domino's moved for a judgment notwithstanding the verdict based on its summary judgment arguments. The court denied the motion and Domino's appealed.

On appeal, the Superior Court of Pennsylvania considered whether the trial court erred by denying Domino's motion for judgment notwithstanding the verdict. Domino's contended that its exercise of control over Robizza was a legal question, which the trial court should have resolved as a matter of law on summary judgment. The Superior Court disagreed, noting that Pennsylvania juries often resolve issues of vicarious liability and other relationship disputes. The Superior Court held that upon review of the evidence, it was clear that the Franchise Agreement between Robizza and Domino's left Robizza with practically no discretion to conduct the operations of its Domino's franchise. Thus, the Superior Court affirmed, holding that the jury verdict that Domino's was vicariously liable for the actions of its franchisee's employee was not contrary to the law or the evidence.

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