COURT OF APPEALS
DECISION
DATED AND RELEASED

JUNE 18, 1996

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. *See* § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 95-3107-FT

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT III

ALICE H. THOMPSON,
F/K/A ALICE T. MORRIS,

Plaintiff-Appellant,

v.

WISCONSIN COUNTY MUTUAL INSURANCE CORPORATION,
a Wisconsin Corporation,
THE PRUDENTIAL INSURANCE COMPANY OF AMERICA,
a Foreign Corporation,
STATE OF WISCONSIN,
DEPARTMENT OF JUSTICE,
COLE O. KUEHL, an Individual
and KEWAUNEE COUNTY,

Defendants,

HERITAGE MUTUAL INSURANCE COMPANY,
a Wisconsin Corporation AND
JAY BLAHNIK, D/B/A ALGOMA AUTO WORKS,

Defendants-Respondents.

APPEAL from a judgment of the circuit court for Kewaunee County: JOHN D. KOEHN, Judge. *Affirmed*.

Before Cane, P.J., LaRocque and Myse, JJ.

PER CURIAM. Alice Thompson appeals a summary judgment that dismissed her tort lawsuit for negligent hiring of an employee against Jay Blahnik and his liability insurer, Heritage Mutual Insurance Company.[1] Her lawsuit sought damages against Blahnik for the burglary and sexual assault Matthew Dirden committed in her home. Dirden learned of her residence while allegedly working as a mechanic at Blahnik's auto repair shop, where Thompson's car was awaiting repairs. Thompson claimed that Blahnik negligently hired someone of Dirden's character and negligently gave Dirden access to Thompson's address. The trial court ruled that Dirden was not an employee and that Blahnik could not have foreseen Dirden's crimes. The trial court correctly granted summary judgment if Blahnik showed no dispute of material fact and a right to judgment as a matter of law. ***Powalka v. State Mut. Life Assurance Co.***, 53 Wis.2d 513, 518, 192 N.W.2d 852, 854 (1972). We reject Thompson's arguments and affirm the summary judgment.

Even if we assume arguendo that Dirden qualified as Blahnik's employee, which we do not decide, Thompson has proposed a cause of action that violates fundamental principles of Wisconsin tort law. Wisconsin has not recognized a cause of action for negligent hiring, at least concerning the hiring of nonfiduciary employees or other employees whose services endear no fiduciary-like trust from customers in the sense that those of therapists or clergy might generate. An auto mechanic's services occasion no fiduciary-like trust or equivalent reposing of faith. Moreover, holding Blahnik liable for Dirden's rape and burglary would make poor public policy. It would impose liability disproportionate to Blahnik's culpability, levy too great a burden on the tortfeasor, compensate for an injury that was remote from Blahnik's alleged negligence, and would put Wisconsin tort law and the judiciary into a field with no apparent stopping point. *See* ***Coffey v. City of Milwaukee***, 74 Wis.2d 526,

[1] This is an expedited appeal under RULE 809.17, STATS.

541, 247 N.W.2d 132, 140 (1976). Wisconsin will not recognize causes of action under such circumstances. In sum, the trial court correctly granted summary judgment.

By the Court.—Judgment affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.