

Supreme Court

No. 97-356-Appeal.
(PC 93-5331)

Henry B. McAlice et al. :

v. :

Safeco Life Insurance Company. :

Present: Weisberger, C.J., Lederberg, Bourcier and Flanders, JJ.

OPINION

PER CURIAM. This case came before us on appeal from a judgment of the Superior Court in favor of the defendant, Safeco Life Insurance Company. The trial justice, sitting without the intervention of a jury, held that the defendant was not liable to the plaintiffs, Henry B. and Elaine McAlice, for the tortious acts of Louis Thacker, a financial planner who had a contractual relationship with the defendant to sell its investment products. The trial justice found that Thacker was not the defendant's agent and, therefore, the defendant was not vicariously liable for Thacker's conversion of the plaintiffs' investment money entrusted to him. Since this Court is evenly divided on the issues raised by this appeal, the judgment of the Superior Court is hereby affirmed.

The papers in this case may be remanded to the Superior Court.

Justice Goldberg did not participate.

COVER SHEET

TITLE OF CASE: Henry B. McAlice et al v. Safeco Life Insurance Company

DOCKET NO.: 97-356 - A.

COURT: Supreme Court

DATE OPINION FILED: December 1, 1999

Appeal from **County:**
SOURCE OF APPEAL: Superior Providence

JUDGE FROM OTHER
COURT: Goldberg, J

JUSTICES: Weisberger, C.J., Lederberg, Bourcier, **Concurring**
Flanders, JJ
Goldberg, J. **Not Participating**

WRITTEN BY: PER CURIAM

ATTORNEYS: Stephen C. Mackie,

For Plaintiff

ATTORNEYS: Thomas R. Bender, A. Lauriston Parks

For Defendant
