

Kentucky Supreme Court
Cases of Note
[September-October, 2011](#)

Note: To open hyperlink, take one of the following steps:

1. Hold down the control (“Ctrl”) key and click on the link.
2. Right-click on the link and select “Open Hyperlink”.

Note: No relevant cases in September

STATUTE OF LIMITATIONS

Interlock Industries, Inc., et al. v. Charles Rawlings, et al.; Rosenman’s, Inc. v. Charles Rawlings, et al.; & Kentucky Flatbed Company, LLC v. Charles Rawlings, et al.

[2010-SC-000264-DG](#) October 27, 2011

[2010-SC-000352-DG](#) October 27, 2011

[2010-SC-000368-DG](#) October 27, 2011

Opinion of the Court by Justice Schroder. Minton, C.J.; Abramson, Cunningham, and Noble, JJ., concur. Scott, J., concurs in part and dissents in part by separate opinion in which Venters, J., joins. The plaintiff, a truck driver, was injured while a forklift unloaded aluminum bundles from his truck. One of the bundles fell on the plaintiff as he was rolling up the straps that had been used to secure his load. The plaintiff filed suit 13 months after the accident.

The Supreme Court held that Kentucky’s general one-year statute of limitations for personal injury applied, and that the two-year statute of limitation found in the Motor Vehicle Reparations Act (MVRA) did not apply. The MVRA extends the statute of limitations to two years for actions with respect to accidents occurring in this Commonwealth and arising from the ownership, maintenance or use of a motor vehicle. Pursuant to case law and the plain language of KRS 304.39-020(6)(b), engaging in activity integral to the unloading of a truck does not constitute “use of a motor vehicle.” The Court went on to hold that the plaintiff’s actions in rolling straps constituted “unloading” within the meaning of the MVRA. Therefore, the MVRA’s two-year statute of limitations did not apply. The Court reversed the Court of Appeals, and reinstated the trial court’s summary judgment in favor of the defendants.