

PUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-1031

JOSEPH ANTONIO; BULAN JULES-ANTONIO; MICHAEL CLARK; CAROLYN CLARK; THOMAS COOPER; ANGEL FOUNTAIN-COOPER; GREG GIBBS; NATALIE GIBBS; GEORGE HALEY; YVONNE HALEY; JACQUE HIGHTOWER; DAWN HIGHTOWER; KHARI JACKSON; BELINDA JACKSON; HAROLD JEWETT; CYNTHIA JEWETT; MICHAEL JOHNSON; CRYSTAL JOHNSON; JAGATH KANKANAMAGE; KETH KANKANAMAGE; KEITH ROBINSON; TAKEYSHA ROBINSON; EVERTON ROWE; BEVERLY ROWE; ERIK SMITH; SHARON SMITH; LEONARD SWOOPES; EVORA SWOOPES; KENDALL WALKER; SAMANTHA WALKER,

Plaintiffs - Appellants,

and

DERRICK POTTS; TERRI ROOKARD,

Plaintiffs,

v.

SSA SECURITY, INC., d/b/a Security Services of America,

Defendant - Appellee,

and

JEREMY DANIEL PARADY; PATRICK STEPHEN WALSH; MICHAEL MCINTOSH EVERHART; ROY THOMAS MCCANN; SECURITY SERVICES OF AMERICA, LLC; ABM INDUSTRIES, INC.; AARON LEE SPEED,

Defendants.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Alexander Williams, Jr., District Judge. (8:05-cv-02982-AW)

Argued: January 30, 2014

Decided: April 3, 2015

Before KING, WYNN, and FLOYD, Circuit Judges.

Affirmed by published opinion. Judge Floyd wrote the opinion, in which Judge King and Judge Wynn joined.

ARGUED: Ruthanne Mary Deutsch, AKIN GUMP STRAUSS HAUER & FELD LLP, Washington, D.C., for Appellants. Gary Alvin Bryant, WILLCOX & SAVAGE, PC, Norfolk, Virginia, for Appellee. **ON BRIEF:** Isabelle M. Thabault, Megan Whyte, WASHINGTON LAWYERS COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS, Washington, D.C.; Steven H. Schulman, Joseph L. Decker, Maka Y. Hutson, AKIN GUMP STRAUSS HAUER & FELD LLP, Washington, D.C., for Appellants. Joseph P. Moriarty, J. David Crain, WILLCOX & SAVAGE, PC, Norfolk, Virginia; Gerry H. Tostanoski, TYDINGS & ROSENBERG, LLP, Baltimore, Maryland, for Appellee.

FLOYD, Circuit Judge:

The appellants in this case ("the Homeowners") consist of 30 victims of one of the largest residential arsons in Maryland history. In this lawsuit, they seek to hold SSA Security, Inc. (SSA) responsible for the arsons, which were allegedly committed by one of its security guards. The district court granted summary judgment to SSA on the Homeowners' negligence-based claims and on their claim under the Maryland Security Guards Act ("the Act"). In doing so, the district court concluded that the Act merely codified the common-law doctrine of respondeat superior--in other words, that the Act did not expand that doctrine in regard to security companies, contrary to the Homeowners' contentions.

On appeal, we affirmed the grant of summary judgment on the Homeowners' negligence-based claims, but certified to the Court of Appeals of Maryland the following question:

Does the Maryland Security Guards Act, Md. Code Ann., Bus. Occ. & Prof. § 19-501, impose liability beyond common law principles of respondeat superior such that an employer may be responsible for off-duty criminal acts of an employee if the employee planned any part of the off-duty criminal acts while he or she was on duty?

Antonio v. SSA Sec., Inc., 749 F.3d 227, 237-38 (4th Cir. 2014).

On March 2, 2015, the Court of Appeals of Maryland answered the question in the negative. Antonio v. SSA Sec., Inc., Misc.

No. 1, Sept. Term, 2014, 2015 WL 859831 (Md. Mar. 2, 2015). After thoroughly analyzing § 19-501's plain language, its context in the Maryland Code, its legislative history, and policy considerations of alternative interpretations, the court held "that the Maryland Security Guards Act § 19-501 has the same meaning as Maryland's common law doctrine of respondeat superior." Id. at *12. The Homeowners do not challenge the district court's analysis under the common law and therefore concede that they cannot satisfy the doctrine. See Projects Mgmt. Co. v. Dyncorp Int'l LLC, 734 F.3d 366, 376 (4th Cir. 2013). Thus, we affirm, in full, the district court's grant of summary judgment in SSA's favor.

AFFIRMED