

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
VIRGINIA, DANVILLE DIVISION

Brandon Hart v. Andrew Quirk

Hart v. Quirk · No. 4:25-cv-00013 · Decided February 17, 2026

SUMMARY

The United States District Court for the Western District of Virginia grants Andrew Quirk’s motion for summary judgment in Brandon Hart’s negligence action arising from a vehicle-pedestrian collision near a tunnel. Applying Virginia contributory-negligence law, the court holds that Hart was negligent per se and ordinarily negligent because he drove a tractor-trailer onto a truck-prohibited road and stopped near the tunnel despite posted traffic signs. The court also rejects Hart’s reliance on the last-clear-chance doctrine and concludes that no reasonable jury could find otherwise on the undisputed record.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Danville Division
WRITING FOR THE COURT	Thomas T. Cullen
JURISDICTION	United States District Court for the Western District of Virginia, Danville Division
DECIDED	February 17, 2026
DOCKET	4:25-cv-00013
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment in a diversity negligence action based on the plaintiff's contributory negligence.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 56(a), summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views the evidence and reasonable inferences in the light most favorable to the nonmoving party, but the nonmoving party must identify specific facts sufficient for a reasonable jury to return a verdict in its favor. The court may resolve negligence and proximate-cause issues as matters of law when reasonable minds could not differ.

PRECEDENTIAL VALUE	unpublished district court memorandum opinion; precedential status unknown
PARTIES	Brandon Hart v. Andrew Quirk

TOPICS

summary judgment contributory negligence negligence proximate cause evidence

PRACTICE AREAS

civil procedure torts motor vehicle negligence

QUESTIONS PRESENTED

1. Whether summary judgment was appropriate because Hart's violation of Virginia traffic restrictions constituted negligence per se and was a proximate cause of the collision.
2. Whether Hart was contributorily negligent under ordinary negligence principles by failing to observe or obey the posted traffic signs.
3. Whether the last clear chance doctrine created a triable issue or otherwise prevented summary judgment.

HOLDINGS

1. Hart was negligent per se because he drove his tractor-trailer onto and continued along Bridge Street despite lawfully erected signs prohibiting trucks. That negligence was a proximate, direct, and efficient contributing cause of the collision and his injuries, so Virginia's contributory-negligence rule barred recovery.
2. Hart was contributorily negligent as a matter of law because he failed to maintain a proper lookout for, and obey, multiple visible traffic signs. His failure to see the signs placed him on Bridge Street and near the tunnel, where he was struck; therefore, his negligence was a proximate cause of the accident.
3. The last clear chance doctrine did not save Hart's claim because the record contained no evidence from which a reasonable factfinder could conclude that Quirk saw Hart in time to avoid the collision through reasonable care.

KEY QUOTATIONS

"Because reasonable minds could not differ on the question of Hart's negligence, Virginia law mandates summary judgment for Quirk."

"Any reasonable observer must conclude that Hart was negligent per se, and that his negligence was "a proximate, direct, and efficiently contributing cause" of the collision and his injuries."

"But for Hart's negligence in failing to see the signs, he never would have turned on, let alone stood near the middle of, Bridge Street at the entrance to a narrow tunnel, thus putting himself in a position to be struck by Quirk's oncoming vehicle."

“Put simply, Hart’s last-ditch invocation of the last clear chance doctrine to overcome his own negligence fails as a matter of law.”

FACTUAL BACKGROUND

Hart, a commercial truck driver, stopped his tractor-trailer near the entrance of a narrow tunnel in Martinsville, Virginia, because he was concerned that the trailer was too tall to pass through. He exited the truck and stood near the center dividing line while attempting to assess the clearance. Quirk's car emerged from the tunnel and struck Hart's right foot and lower leg. Before reaching the tunnel, Hart had passed multiple signs prohibiting trucks on Bridge Street and a sign warning of the tunnel's height restriction.

PROCEDURAL HISTORY

Hart initially filed a negligence action in the Henry County Circuit Court, later nonsuited that action, and refiled in federal court. The parties incorporated the state-court discovery into the federal action. After discovery, Quirk moved for summary judgment, which the court granted.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 249, 252, 255 (1986)
- Henry v. Purnell, 652 F.3d 524, 527 (4th Cir. 2011)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322–23 (1986)
- Glynn v. EDO Corp., 710 F.3d 209, 213 (4th Cir. 2013)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586–87 (1986)
- Bonds v. Leavitt, 629 F.3d 369, 380 (4th Cir. 2011)
- McAirloads, Inc. v. Kimberly-Clark Corp., 756 F.3d 307, 310 (4th Cir. 2014)
- Tolan v. Cotton, 572 U.S. 650, 651 (2014) (per curiam)
- Perini Corp. v. Perini Constr., Inc., 915 F.2d 121, 124 (4th Cir. 1990)
- World-Wide Rights Ltd. P'ship v. Combe, Inc., 955 F.2d 242, 244 (4th Cir. 1992)
- Thompson Everett, Inc. v. Nat'l Cable Advert., LP, 57 F.3d 1317, 1323 (4th Cir. 1995)
- Hoyle v. Freightliner, LLC, 650 F.3d 321, 334 (4th Cir. 2011)
- Erie R.R. Co. v. Tompkins, 304 U.S. 64, 78–79 (1938)
- Litchford v. Hancock, 352 S.E.2d 335, 336–37 (Va. 1987)
- Fein v. Wade, 61 S.E.2d 29, 32 (Va. 1950)
- Artrip v. E.E. Berry Equip. Co., 398 S.E.2d 821, 823 (Va. 1990)
- Bentley v. Felts, 445 S.E.2d 131, 133 (Va. 1994)
- Hot Shot Express, Inc. v. Brooks, 563 S.E.2d 764, 768 (Va. 2002)
- Whitfield v. Dunn, 117 S.E.2d 710, 714 (Va. 1961)

- Powell v. Virginian Ry. Co., 46 S.E.2d 429, 432 (Va. 1948)
- Mitchell v. Lee, 194 S.E.2d 737, 739 (Va. 1973)
- Huffman v. Sorenson, 76 S.E.2d 183, 187 (Va. 1953)
- Greear v. Noland Co., 89 S.E.2d 49, 53 (Va. 1955)
- Williams v. Harrison, 497 S.E.2d 467, 470 (Va. 1998)

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