

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Christopherson v. Polovinka and R & M Transportation Inc.

Christopherson · No. 2:24-CV-00425-CCW · Decided April 8, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania granted Defendants’ motion for summary judgment in a negligence action arising from a motor vehicle collision involving a deer. The Court held that Plaintiff failed to present affirmative evidence that the driver was negligent, and therefore also rejected the derivative vicarious-liability claim against the employer.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Christy Criswell Wiegand
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	April 8, 2026
DOCKET	2:24-CV-00425-CCW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved for summary judgment on all negligence claims. Plaintiff conceded summary judgment on his direct negligence claim against R & M Transportation for negligent hiring, training, and supervision, but opposed summary judgment on his direct negligence claim against Polovinka and vicarious-liability claim against R & M Transportation.
STANDARD OF REVIEW	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 in the light most favorable to the nonmoving party and draws reasonable inferences in that party's favor, but the nonmoving party must identify affirmative evidence sufficient for a reasonable jury to find in its favor.
PRECEDENTIAL VALUE	Unknown
PARTIES	Heber J. Christopherson v. Nikolay Polovinka, R & M Transportation Inc.

TOPICS

summary judgment

negligence

vicarious liability

negligent supervision

civil procedure

PRACTICE AREAS

torts

civil procedure

motor vehicle negligence

QUESTIONS PRESENTED

1. Whether defendants were entitled to summary judgment because plaintiff lacked affirmative evidence that Polovinka drove negligently.
2. Whether R & M Transportation could be held vicariously liable when the direct negligence claim against its employee, Polovinka, failed.
3. Whether summary judgment should be granted on plaintiff's negligent hiring, training, and supervision claim, which plaintiff conceded.

HOLDINGS

1. Summary judgment was proper because plaintiff failed to identify affirmative evidence from which a reasonable jury could find that Polovinka breached the applicable standard of care.
2. The court did not need to decide whether Pennsylvania's sudden-emergency doctrine precluded the negligence claim because plaintiff failed to produce sufficient evidence of negligence in the first instance.
3. R & M Transportation was entitled to summary judgment on the vicarious-liability claim because the underlying negligence claim against Polovinka failed.
4. Summary judgment was granted on Count III because plaintiff conceded that defendants' motion should be granted as to that claim.

KEY QUOTATIONS

“To prevail on a motion for summary judgment, the moving party must establish that “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.””

“Under Pennsylvania law, the elements of a claim for negligence are: (1) a duty or obligation recognized by the law requiring the defendant to conform to a certain standard of conduct for the protection of others against unreasonable risks; (2) the defendant’s failure to conform to the required standard of conduct; (3) a causal connection between the conduct and the resulting injury; and (4) actual loss or damage resulting to the plaintiff.”

“A claim of vicarious liability is inseparable from the claim against the agent since any cause of action is based on the acts of only one tortfeasor.”

FACTUAL BACKGROUND

On June 11, 2023, Heber J. Christopherson and Nikolay Polovinka were driving southbound on Interstate 79 when a deer appeared on the left side of the roadway. Both drivers applied their brakes, and Polovinka's vehicle collided with the rear of Christopherson's vehicle, which then left the roadway and entered a ditch. Christopherson could not recall which lane he occupied, whether he swerved, his speed, the distance of the deer, or the time between seeing the deer and braking. A Pennsylvania State Police corporal determined that Polovinka had not violated traffic rules and that Christopherson had violated a lane-maintenance statute, although no citation was issued.

PROCEDURAL HISTORY

Plaintiff filed an amended complaint arising from a motor-vehicle accident on Interstate 79 in Pennsylvania. Defendants moved for summary judgment under Federal Rule of Civil Procedure 56. The court granted the motion on all counts and ordered that final judgment be entered in defendants' favor.

DISPOSITION

dismissed

CASES CITED

- Ward v. Universal Stainless and Alloy Prod., Inc., No. 2:24-cv-432, ECF No. 75 at 3–4 (W.D. Pa. March 25, 2026)
- Razak v. Uber Techs., Inc., 951 F.3d 137, 144 (3d Cir. 2020)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 255 (1986)
- NAACP v. N. Hudson Reg'l Fire & Rescue, 665 F.3d 464, 475 (3d Cir. 2011)
- Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586–87 (1986)
- Aman v. Cort Furniture Rental Corp., 85 F.3d 1074, 1080 (3d Cir. 1996)
- Kaucher v. County of Bucks, 455 F.3d 418, 423 (3d Cir. 2006)
- Wetzel v. Tucker, 139 F.3d 380, 383 n.2 (3d Cir. 1998)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322–24 (1986)
- Burton v. Teleflex Inc., 707 F.3d 417, 425 (3d Cir. 2013)
- Jakimas v. Hoffmann La Roche, Inc., 485 F.3d 770, 777 (3d Cir. 2007)
- Assicurazioni Generali, S.P.A. v. Clover, 195 F.3d 161, 164 (3d Cir. 1999)
- R.W. v. Manzek, 888 A.2d 740, 746 (Pa. 2005)
- Mohny v. Hageter, No. 11-340, 2013 WL 391155, at *6 (W.D. Pa. Jan. 30, 2013)
- Inter Med. Supplies Ltd. v. EBI Med. Sys., Inc., 975 F. Supp. 681, 694 (D.N.J. 1997)
- Berkeley Inv. Grp., Ltd. v. Colkitt, 455 F.3d 195, 201 (3d Cir. 2006)
- Mamalis v. Atlas Van Lines, Inc., 560 A.2d 1380, 1383 (Pa. 1989)