

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION

Hatcher v. County of Hanover, Virginia

Hatcher · No. 3:23-cv-00325 · Decided June 26, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia addresses the County of Hanover’s second motion for summary judgment in Christopher Hatcher’s individual claims under the Fair Labor Standards Act and the Virginia Gap Pay Act. The court concludes that Hatcher has established standing sufficient to proceed at the summary-judgment stage, but that no genuine dispute of material fact remains regarding his claims. The court grants the County’s motion and dismisses the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	M. Hannah Lauck
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	June 26, 2026
DOCKET	3:23-cv-00325
DISPOSITION	dismissed
PROCEDURAL POSTURE	The County moved for summary judgment on the plaintiff's remaining individual claims under the Fair Labor Standards Act and Virginia Gap Pay Act. The court rejected the County's Article III standing challenge but granted summary judgment on the merits and dismissed the remaining claims.
STANDARD OF REVIEW	Summary judgment is appropriate when, viewing the record and reasonable inferences in the light most favorable to the nonmoving party, there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. At the summary-judgment stage, a plaintiff challenging standing must produce evidence creating a genuine issue of material fact as to injury in fact, causation, and redressability.
PRECEDENTIAL VALUE	unpublished district court opinion

PARTIES

Christopher Hatcher v. The County of Hanover, Virginia

TOPICS

flsa

wage and hour

summary judgment

standing

civil procedure

PRACTICE AREAS

employment law

wage and hour

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Hatcher had Article III standing to pursue his FLSA and Virginia Gap Pay Act claims despite marking on with Street Crimes Unit 1 rather than Dispatch.
2. Whether the evidence created a genuine dispute of material fact that Hatcher performed compensable work under the FLSA while marked on before his shift.
3. Whether Hatcher's Virginia Gap Pay Act claim survived when his FLSA claim failed.

HOLDINGS

1. Hatcher had standing to pursue his FLSA and Virginia Gap Pay Act claims because the evidence created a genuine dispute as to whether he was required to mark on before his shift without compensation, which constituted an alleged concrete monetary injury fairly traceable to the County and redressable by damages.
2. Hatcher could not recover under the FLSA because the record contained no evidence that he performed compensable principal activities while marked on or commuting before his shift. On these facts, marking on with Street Crimes Unit 1 was a preliminary activity excluded from compensable work time by the Portal-to-Portal Act.
3. The County was entitled to summary judgment on Hatcher's Virginia Gap Pay Act claim because the claim necessarily depended on prevailing on the underlying FLSA claim, which Hatcher did not do.

KEY QUOTATIONS

“A plaintiff does not lack Article III standing simply because he [or she] has failed to state a claim.” (at 15)

“The Portal-to-Portal Act thus creates a distinction between “principal activities,” which are compensable, and activities that are “preliminary or postliminary” to principal activities, which are not compensable.” (at 24)

“Because the County is entitled to summary judgment on Deputy Hatcher’s FLSA claim, the County is likewise entitled to summary judgment on Deputy Hatcher’s VGPA claim.” (at 28)

FACTUAL BACKGROUND

Hatcher worked for the Hanover County Sheriff's Office from 2002 until his resignation in May 2022, including in the undercover Street Crimes Unit. He drove an unmarked County vehicle and did not wear a uniform, and he

testified that he marked on to Street Crimes Unit 1 before beginning his shift by stating his unit number followed by "back." He was not compensated for time spent marked on before his shift, but the record contained no evidence that he was dispatched to calls, responded to emergencies, was on duty, or performed other compensable work during that period.

PROCEDURAL HISTORY

Hatcher filed a putative FLSA collective and Virginia class action against the County and the Hanover County Sheriff. The court dismissed the Sheriff for lack of subject-matter jurisdiction, dismissed the Virginia Wage Payment Act claim, later certified and then decertified the class and collective actions, and Hatcher voluntarily dismissed his Virginia Overtime Wage Act claim. After the County filed a second motion for summary judgment, the court held that Hatcher had established a genuine dispute concerning standing but had not produced evidence that he performed compensable work before his shift, and therefore entered judgment for the County.

DISPOSITION

dismissed

CASES CITED

- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-50, 251, 255 (1986)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-24 (1986)
- *Hixson v. Moran*, 1 F.4th 297, 302 (4th Cir. 2021)
- *Sylvia Dev. Corp. v. Calvert Cty.*, 48 F.3d 810, 818 (4th Cir. 1995)
- *Miller v. Leathers*, 913 F.2d 1085, 1087 (4th Cir. 1990) (en banc)
- *Charbonnages de France v. Smith*, 597 F.2d 406, 414 (4th Cir. 1979)
- *Improvement Co. v. Munson*, 81 U.S. (14 Wall.) 442, 448 (1872)
- *Mitchell v. Data Gen. Corp.*, 12 F.3d 1310, 1316 (4th Cir. 1993)
- *McAirlaids, Inc. v. Kimberly-Clark Corp.*, 756 F.3d 307, 310 (4th Cir. 2014)
- *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992)
- *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016)
- *Friends of the Earth, Inc. v. Laidlaw Env't Servs., Inc.*, 528 U.S. 167, 180-81 (2000)
- *Poppleton Now Cmty. Ass'n, Inc. v. La Cite Dev., LLC*, 175 F.4th 455, 462 (4th Cir. 2026)
- *TransUnion LLC v. Ramirez*, 594 U.S. 413, 425 (2021)
- *Fernandez v. RentGrow, Inc.*, 116 F.4th 288, 294-95, 299-300 (4th Cir. 2024)
- *Brasko v. First Nat'l Bank of Penn.*, 700 F. Supp. 3d 354, 370 (D. Md. 2023)
- *Pagliara v. Fed. Home Loan Mortg. Corp.*, 203 F. Supp. 3d 678, 684 (E.D. Va. 2016)
- *Partington v. Am. Int'l Specialty Lines Ins. Co.*, 443 F.3d 334, 339 n.4 (4th Cir. 2006)
- *Truslow v. Spotsylvania Cnty. Sheriff*, 783 F. Supp. 274, 277 (E.D. Va. 1992), *aff'd*, 993 F.2d 1539 (4th Cir. 1993)
- *Chagoya v. City of Chicago*, 992 F.3d 607, 618-19, 622 (7th Cir. 2021)

- Integrity Staffing Sols., Inc. v. Busk, 574 U.S. 27, 33, 36 (2014)
- Steiner v. Mitchell, 350 U.S. 247, 256 (1956)
- Hatcher v. Hines, No. 3:23-cv-325 (JAG), 2024 WL 1158365, at *4 (E.D. Va. Mar. 18, 2024)
- Llorca v. Sheriff, Collier County, 893 F.3d 1319, 1326-28 (11th Cir. 2018)
- Adams v. United States, 471 F.3d 1321, 1323-27 (Fed. Cir. 2006)
- Hertz v. Woodbury County, Iowa, No. 06-cv-4083, 2008 WL 2095553, at *1, *4, *7 (N.D. Iowa May 16, 2008)
- Robinson v. Priority Auto. Huntersville, Inc., 70 F.4th 776, 780 (4th Cir. 2023)
- OLA Montgomery v. MPR Assocs., Inc., No. Civ. A. 04-1508 (CMH), 2005 WL 2009286, at *2 (E.D. Va. Aug. 16, 2005)
- Beale v. Hardy, 769 F.2d 213, 214 (4th Cir. 1985)
- Bailey v. Loudoun Cnty. Sheriff's Office, 762 S.E.2d 763, 768 (Va. 2014)
- Emmons v. City of Chesapeake, No. 2:18-cv-402 (LRL), 2019 WL 8888192, at *1 n.2 (E.D. Va. June 18, 2019), *aff'd*, 982 F.3d 245 (4th Cir. 2020)