

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

**Chris A. Milne, as Special Conservator of Jaime Antonio Flores
Landaverde, protected person v. Move Freight Trucking, LLC, et al.;
Catherine Slater Crawford, as Personal Representative of the Estate
of Beberlyn Vanessa Alvarez-Lopez v. Move Freight Trucking, LLC,
et al.**

Milne · No. 7:23-cv-432; 7:23-cv-433 · Decided March 31, 2026

SUMMARY

The court considers defendants Move Freight Trucking, LLC and Joshua Flores’s motions for summary judgment in two consolidated cases arising from a September 25, 2021 interstate automobile collision in Virginia. The court denies summary judgment on proximate cause because a jury could find that Flores’s allegedly illegal parking contributed to the accident, but grants summary judgment on claims for gross negligence, willful and wanton negligence, and punitive damages because Flores exercised some degree of care.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Roanoke Division
WRITING FOR THE COURT	Michael F. Urbanski
JURISDICTION	United States District Court for the Western District of Virginia, Roanoke Division
DECIDED	March 31, 2026
DOCKET	7:23-cv-432; 7:23-cv-433
DISPOSITION	other
PROCEDURAL POSTURE	Defendants Move Freight Trucking, LLC and Joshua Flores moved for summary judgment in two consolidated diversity actions arising from a motor-vehicle collision. The court denied the motion as to proximate cause but granted it as to gross negligence, willful and wanton negligence, and punitive damages.
STANDARD OF REVIEW	Summary judgment is proper under Federal Rule of Civil Procedure 56 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 draws all reasonable inferences in favor of the nonmoving party, may not make credibility determinations or weigh evidence, and must deny summary judgment if a reasonable jury could return a verdict for the nonmoving party.

PRECEDENTIAL VALUE

unpublished district court memorandum opinion; persuasive authority only

PARTIES

Chris A. Milne, as Special Conservator of Jaime Antonio Flores Landaverde, protected person, Catherine Slater Crawford, as Personal Representative of the Estate of Beberlyn Vanessa Alvarez-Lopez v. Move Freight Trucking, LLC, Joshua Flores

TOPICS

proximate cause

negligence

punitive damages

summary judgment

civil procedure

PRACTICE AREAS

torts

civil procedure

motor vehicle negligence

premises and highway safety

QUESTIONS PRESENTED

1. Whether the evidence permitted a reasonable jury to find that Flores's alleged negligence was a proximate cause of the collision despite Lopez's intervening negligence.
2. Whether plaintiffs' gross-negligence and willful-and-wanton-negligence claims could survive summary judgment where the undisputed facts showed that Flores exercised some degree of care.
3. Whether plaintiffs' punitive-damages claims could survive summary judgment on the same evidentiary record.

HOLDINGS

1. Summary judgment was improper on proximate cause because the evidence, viewed in the light most favorable to plaintiffs, permitted a reasonable jury to find that Flores's allegedly negligent parking proximately contributed to the collision. Lopez's negligence did not constitute a superseding cause as a matter of law.
2. Summary judgment was proper on the gross-negligence, willful-and-wanton-negligence, and punitive-damages claims because the undisputed evidence established that Flores exercised some degree of care.

KEY QUOTATIONS

“Because proximate cause is an issue of fact left up to the jury, the court DENIES IN PART the motion for summary judgment with respect to the issue of proximate cause.” (at 10)

“The issue of proximate cause in this case is an issue of fact to be decided by the jury.” (at 15)

“The court GRANTS IN PART the motion for summary judgment on this issue.” (at 19)

FACTUAL BACKGROUND

On September 25, 2021, a tractor-trailer driven by Joshua Flores was parked illegally on the shoulder of an acceleration lane leaving an Interstate 81 rest stop in Montgomery County, Virginia. Flores did not activate hazard flashers or place warning triangles, and the trailer allegedly protruded into the acceleration lane. Shortly before 7:30 a.m., an SUV driven by Jose Lopez, who had fallen asleep, crossed into the acceleration lane and struck the rear of the tractor-trailer; one passenger suffered a traumatic brain injury and another was killed. Plaintiffs alleged that both Lopez's conduct and Flores's parking decision proximately caused the collision and that Move Freight was vicariously liable for Flores's conduct.

PROCEDURAL HISTORY

The two actions were filed on July 14, 2023. The cases were consolidated for liability purposes but remained bifurcated for damages, and the second amended complaints were the operative pleadings. Flores and Move Freight filed the present motions for summary judgment on January 21, 2026; after briefing and oral argument on March 3, 2026, the court issued this memorandum opinion.

DISPOSITION

other

CASES CITED

- *Buchanan v. Santek Environmental of Virginia, LLC*, No. 1:21CV00006, 2021 WL 1866945 (W.D. Va. May 10, 2021)
- *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986)
- *Glynn v. EDO Corp.*, 710 F.3d 209 (4th Cir. 2013)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986)
- *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574 (1986)
- *McAirlaids, Inc. v. Kimberly-Clark Corp.*, 756 F.3d 307 (4th Cir. 2014)
- *Tolan v. Cotton*, 572 U.S. 650 (2014) (per curiam)
- *Res. Bankshares Corp. v. St. Paul Mercury Insurance Co.*, 407 F.3d 631 (4th Cir. 2005)
- *Moss v. Parks Corp.*, 985 F.2d 736 (4th Cir. 1993)
- *World-Wide Rights Ltd. Partnership v. Combe Inc.*, 955 F.2d 242 (4th Cir. 1992)
- *Colgan Air, Inc. v. Raytheon Aircraft Co.*, 507 F.3d 270 (4th Cir. 2007)
- *Klaxon Co. v. Stentor Electric Manufacturing Co.*, 313 U.S. 487 (1941)
- *Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938)
- *Gilmore v. Jones*, 370 F. Supp. 3d 630 (W.D. Va. 2019)
- *Williams v. Joynes*, 277 Va. 188, 671 S.E.2d 132 (2009)
- *Virginia Electric & Power Co. v. Winesett*, 225 Va. 159, 300 S.E.2d 868 (1983)

- AES Corp. v. Steadfast Insurance Co., 283 Va. 609, 725 S.E.2d 532 (2012)
- Appalachian Power Co. v. Wilson, 122 Va. 586, 95 S.E. 277 (1918)
- Newell v. Riggins, 197 Va. 490, 90 S.E.2d 150 (1955)
- Coleman v. Blankenship Oil Corp., 221 Va. 124, 267 S.E.2d 143 (1980)
- Dorman v. State Industries, Inc., 292 Va. 111, 787 S.E.2d 132 (2016)
- Hawkins v. Commonwealth, 59 Va. App. 785, 722 S.E.2d 787 (2012)
- Lagunas-Antunez v. Hayes-Goode, No. CV 2:24CV416, 2025 WL 2816821 (E.D. Va. Sept. 8, 2025), report and recommendation adopted, 2025 WL 3688917 (E.D. Va. Dec. 19, 2025)
- Estate of Moses ex rel. Moses v. Southwest Virginia Transit Management Co., 273 Va. 672, 643 S.E.2d 156 (2007)
- Cox v. Mabe, 214 Va. 705, 204 S.E.2d 253 (1974)
- Virginia Stage Lines, Inc. v. Brockman Chevrolet, Inc., 216 Va. 191, 217 S.E.2d 157 (1975)
- Riggle v. Wadell, 216 Va. 577, 221 S.E.2d 142 (1976)
- Saunders v. Bulluck, 208 Va. 551, 159 S.E.2d 820 (1968)
- Vought v. Jones, 205 Va. 719, 139 S.E.2d 810 (1965)
- Savage Truck Line v. Traylor, 193 Va. 579, 69 S.E.2d 478 (1952)
- Elliott v. Carter, 292 Va. 618, 791 S.E.2d 730 (2016)
- Cowan v. Hospice Support Care, Inc., 268 Va. 482, 603 S.E.2d 916 (2004)
- Kuykendall v. Young Life, 261 F. Supp. 2d 476 (W.D. Va. 2003), aff'd, 81 F. App'x 480 (4th Cir. 2003)
- Alfonso v. Robinson, 257 Va. 540, 514 S.E.2d 615 (1999)
- Thomas v. Snow, 162 Va. 654, 174 S.E. 837 (1934)
- Thornhill v. Thornhill, 172 Va. 553, 2 S.E.2d 318 (1939)
- Altman v. Aronson, 231 Mass. 588, 121 N.E. 505 (1919)