

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA
CIRCUIT

Cameroon Whiteru v. Washington Metropolitan Area Transit
Authority

No. 20-7087, United States Court of Appeals for the District of Columbia Circuit (February 11, 2022)

SUMMARY

****Key Legal Topics:**** Common carrier duty to render aid (Restatement (Second) of Torts § 314A); contributory negligence as complete bar in D.C.; exception to contributory negligence for common carrier's post-injury duty to aid; genuine dispute of material fact regarding station inspections.

****Holding:**** The D.C. Circuit reversed summary judgment for WMATA, holding that a common carrier's duty under § 314A to render aid to an injured passenger—even one who negligently caused his own injuries—is not barred by the passenger's contributory negligence. Because genuine factual disputes existed over whether WMATA knew or had reason to know of the passenger's fall and failed to inspect, the case was remanded for trial.

CASE DETAILS

COURT	United States Court of Appeals for the District of Columbia Circuit
WRITING FOR THE COURT	WILKINS; HENDERSON; TATEL
JURISDICTION	Federal
DECIDED	February 11, 2022
DOCKET	20-7087
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the United States District Court for the District of Columbia (No. 1:15-cv-00844)
STANDARD OF REVIEW	We review a district court's grant of summary judgment de novo, viewing the evidence in the light most favorable to the nonmoving party and drawing all reasonable inferences in his or her favor.
PRECEDENTIAL VALUE	Published
PARTIES	Cameroon Whiteru, individually and as personal representative of the Estate of Okiemute C. Whiteru, and Agnes Whiteru v. Washington Metropolitan Area Transit Authority

TOPICS

negligence

contributory negligence

summary judgment

appellate procedure

standard of review

PRACTICE AREAS

Torts

Negligence

Common Carrier Liability

Contributory Negligence

Appellate Procedure

QUESTIONS PRESENTED

1. Whether the district court erred in granting summary judgment to WMATA on the Whiteru Estate's negligence claim based on contributory negligence, given WMATA's duty as a common carrier to render aid under Section 314A of the Restatement (Second) of Torts.

HOLDINGS

1. Contributory negligence does not bar recovery when a common carrier knows or has reason to know that a passenger is injured, breaches its duty to render aid, and the passenger's injuries are aggravated as a result. The common carrier's duty under Section 314A is an exception to the contributory negligence defense.

KEY QUOTATIONS

“the District of Columbia unambiguously recognizes the special relationship between common carriers and passengers: a common carrier cannot evade liability for negligence if it knows or has reason to know that a passenger is injured, breaches its duty to render aid to the injured passenger, and the passenger’s original injuries are aggravated as a result.” (6)

“Common carrier liability pursuant to Section 314A of the Restatement is another such exception.” (9-10)

“In short, the summary judgment record reflects that there were genuine disputes of material fact. A reasonable jury could have concluded that WMATA breached its duty to render aid to Mr. Whiteru after he fell over the parapet wall, that WMATA’s breach aggravated his injuries, and that his conceded contributory negligence does not bar the Whiteru Estate’s recovery on its negligence claim against WMATA.” (11)

FACTUAL BACKGROUND

Mr. Whiteru, heavily intoxicated, fell over a parapet wall at the Judiciary Square Metro Station around 1:15 a.m. on October 19, 2013. Station manager Rhonda Brown was required to perform inspections at 1:30 a.m., 2:30 a.m., and 3:15 a.m. but had no recollection of doing so, though she signed the checklist. Mr. Whiteru was not discovered until four days later, and he died from his injuries. The parties disputed whether Brown performed the inspections. Mr. Whiteru would have survived if discovered within 15 minutes.

PROCEDURAL HISTORY

The Whiteru Estate sued WMATA in Superior Court; case was removed to District Court. WMATA moved for summary judgment based on contributory negligence. The District Court granted summary judgment, holding that Mr. Whiteru was contributorily negligent as a matter of law, barring recovery. The Whiteru Estate appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

for further proceedings consistent with this opinion.

CASES CITED

- Soundboard Ass’n v. Fed. Trade Comm’n, 888 F.3d 1261 (D.C. Cir. 2018)
- Oviedo v. Wash. Metro. Area Transit Auth., 948 F.3d 386 (D.C. Cir. 2020)
- Wash. Metro. Area Transit Auth. v. Ferguson, 977 A.2d 375 (D.C. 2009)
- Jarrett v. Woodward Bros., Inc., 751 A.2d 972 (D.C. 2000)
- Sinai v. Polinger Co., 498 A.2d 520 (D.C. 1985)
- Poyner v. Loftus, 694 A.2d 69 (D.C. 1997)
- Wash. Metro. Area Transit Auth. v. Cross, 849 A.2d 1021 (D.C. 2004)
- Stager v. Schneider, 494 A.2d 1307 (D.C. 1985)
- Blake v. Securitas Sec. Servs., Inc., 962 F. Supp. 2d 141 (D.D.C. 2013)
- Wash. Metro. Area Transit Auth. v. Jones, 443 A.2d 45 (D.C. 1982)
- Wash. Metro. Area Transit Auth. v. O’Neill, 633 A.2d 834 (D.C. 1993)
- McKethan v. Wash. Metro. Area Transit Auth., 588 A.2d 708 (D.C. 1991)
- District of Columbia v. Mitchell, 533 A.2d 629 (D.C. 1987)
- Asal v. Mina, 247 A.3d 260 (D.C. 2021)
- District of Columbia v. Huysman, 650 A.2d 1323 (D.C. 1994)
- Andrews v. Wilkins, 934 F.2d 1267 (D.C. Cir. 1991)
- Fells v. Wash. Metro. Area Transit Auth., 357 A.2d 395 (D.C. 1976)
- Whiteru v. Wash. Metro. Area Transit Auth., 258 F. Supp. 3d 175 (D.D.C. 2017)
- Whiteru v. Wash. Metro. Area Transit Auth., 480 F. Supp. 3d 185 (D.D.C. 2020)