

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

Yanice Jackson v. Walmart Inc.

Jackson v. Walmart · No. 3:25CV626 (RCY) · Decided March 16, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia grants Walmart Inc.'s motion to dismiss a four-count negligence action arising from a third-party assault at a Colonial Heights, Virginia store. The court holds that the complaint fails to plausibly allege a duty to protect against criminal acts, gross negligence, or negligent hiring, retention, and training. Dismissal is without prejudice, but leave to amend is denied as futile based on the proposed additional allegations.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	Roderick C. Young
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	March 16, 2026
DOCKET	3:25CV626 (RCY)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant removed a four-count Virginia negligence action to federal court and moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the sufficiency of the complaint, accepts well-pleaded factual allegations as true, views the complaint in the light most favorable to the plaintiff, and determines whether the alleged facts state a facially plausible claim for relief. The court may not consider new factual allegations raised for the first time in opposition briefing.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Yanice Jackson v. Walmart Inc.

TOPICS

premises liability

negligence

motions to dismiss

negligent hiring

negligent retention

PRACTICE AREAS

torts

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QUESTIONS PRESENTED

1. Whether Jackson plausibly alleged that Walmart owed her a duty to protect her from a third-party criminal assault based on prior criminal activity near the store or Walmart's method of business.
2. Whether Jackson stated a gross-negligence claim when she failed to adequately plead the underlying duty required for ordinary negligence.
3. Whether Virginia recognizes an independent negligent-training cause of action.
4. Whether Jackson plausibly alleged negligent hiring or retention when the third-party assailant, rather than Walmart's employees, caused her injuries.
5. Whether the proposed additional allegations would make amendment nonfutile under Rule 15(a)(2).

HOLDINGS

1. Jackson failed to state premises-liability, ordinary-negligence, or negligent-security claims because her conclusory allegation that Walmart knew of prior criminal activity did not plausibly establish that Walmart had notice of a specific imminent danger or that its method of business attracted or provided a climate for criminal activity.
2. Jackson failed to state a gross-negligence claim because gross negligence includes the ordinary elements of negligence, including duty, and she did not plausibly allege that Walmart owed her a duty to protect her from the third-party assault.
3. Virginia law does not recognize negligent training as an independent cause of action, so Jackson's negligent-training theory failed to state a claim.
4. Jackson failed to state negligent-hiring and negligent-retention claims because she alleged that the third-party assailant caused her injuries, while Walmart's employees merely failed to intervene, and therefore did not allege that Walmart's employees caused her injuries.
5. Leave to amend was properly denied as futile because the additional facts Jackson referenced would not plausibly establish an imminent threat, a business-created climate for crime, or causation by Walmart employees.

KEY QUOTATIONS

“Ordinarily, the owner or possessor of land is under no duty to protect invitees from assaults by third parties while the invitee is upon the premises.” (Section IV.A)

“For such a duty to be imposed, there must be “notice of a specific danger just prior to the assault.”” (Section IV.A)

“Because the proposed amendment, as referenced by Plaintiff, would not bolster any of Plaintiff’s claims sufficiently for them to survive 12(b)(6) scrutiny, the Court will not grant leave to amend at this juncture, finding the proposed amendments to be futile.” (Section IV.D)

FACTUAL BACKGROUND

Jackson entered Walmart's Colonial Heights, Virginia, store as a business invitee on June 22, 2024. Another patron assaulted her, causing physical injuries that required hospitalization and ongoing medical care. Jackson alleged generally that Walmart knew of prior criminal activity at or near the premises, failed to maintain adequate security, and failed to protect or timely assist her. She sought \$850,000 in damages and asserted premises-liability/negligence, negligent-security, gross-negligence, and negligent-hiring, retention, and training theories.

PROCEDURAL HISTORY

Jackson filed her complaint in the Colonial Heights Circuit Court on July 14, 2025. Walmart filed a demurrer and answer, then removed the action to the Eastern District of Virginia on August 12, 2025. After the federal court denied the demurrer without prejudice, Walmart moved to dismiss. The court granted the motion in full, denied leave to amend as futile, and dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- *Megaro v. McCollum*, 66 F.4th 151, 157 (4th Cir. 2023)
- *Republican Party of North Carolina v. Martin*, 980 F.2d 943, 952 (4th Cir. 1992)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 556, 570 (2007)
- *Conley v. Gibson*, 355 U.S. 41, 47 (1957)
- *Mylan Laboratories, Inc. v. Matkari*, 7 F.3d 1130, 1134 (4th Cir. 1993)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)
- *Bing v. Brivo Systems, LLC*, 959 F.3d 605, 618 (4th Cir. 2020)
- *Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985)
- *Yuzefovsky v. St. John's Wood Apartments*, 261 Va. 97, 101, 109-110 (2001)
- *Marshall v. Winston*, 239 Va. 315, 318 (1990)
- *Wright v. Webb*, 234 Va. 527, 530, 533 (1987)
- *Godfrey v. Boddie-Noell Enterprises*, 843 F. Supp. 114, 122-123 (E.D. Va. 1994)
- *Dudas v. Glenwood Golf Club*, 261 Va. 133, 140 (2001)
- *Thompson v. Skate America, Inc.*, 261 Va. 121, 129-130 (2001)
- *Gupton v. Quicke*, 247 Va. 362, 364 (1994)

- Hurst v. District of Columbia, 681 F. App'x 186, 194 (4th Cir. 2017)
- Pennsylvania ex rel. Zimmerman v. PepsiCo, Inc., 836 F.2d 173, 181 (3d Cir. 1988)
- Car Carriers, Inc. v. Ford Motor Co., 745 F.2d 1101, 1107 (7th Cir. 1984)
- Reid v. Newton, 2014 U.S. Dist. LEXIS 52072, at *20 (E.D. Va. Apr. 14, 2014)
- Green v. Ingram, 269 Va. 281, 292 (2005)
- Liberty Mutual Insurance Co. v. Triangle Industries, Inc., 957 F.2d 1153, 1156 (4th Cir. 1992)
- Morgan v. Wal-Mart Stores East, LP, 2010 U.S. Dist. LEXIS 116400, at *11-12 (E.D. Va. 2010)
- Williams v. Dowell, 34 Va. Cir. 240, 243 (1994)
- Meccia v. Pioneer Life Insurance Co., 13 Va. Cir. 17, 25 (1987)
- Curran v. Axon Enterprise, Inc., 2021 U.S. Dist. LEXIS 201249, at *12 (E.D. Va. Sept. 13, 2021)
- Southeastern Apartments Management, Inc. v. Jackman, 257 Va. 256, 260-261 (1999)
- In re Triangle Capital Corp. Securities Litigation, 988 F.3d 743, 750 (4th Cir. 2021)
- Johnson v. Oroweat Foods Co., 785 F.2d 503, 510 (4th Cir. 1986)
- Katyle v. Penn National Gaming, Inc., 637 F.3d 462, 471 (4th Cir. 2011)