

## PROXIMATE CAUSE IN MULTI-COLLISION ACCIDENTS

Questions regarding liability and the “proximate cause” of damages can arise in any case in which more than one defendant has been sued. Frequently, such issues arise in the context of multiple-vehicle car accidents, and the issues are no less complicated and heated when a quick succession of multiple separate accidents occur. A variety of cases exist which discuss this issue, and many appear to reach differing conclusions, requiring expert analysis and construing of the available case law to support a given defendant’s position.

“Proximate causation refers to closeness or nearness in causal connection; it is the cause which produces the injury and without which the injury could not have happened...in order for a cause to be a proximate cause, there must be a causal connection by natural and unbroken sequence between the negligence complained of and the

injury suffered; there must not exist any intervening efficient cause or causes.” *Koutsoundis v. England*, 238 Va. 128, 131, 380 S.E.2d 644, 646 (1989). Proximate cause is also at times referred to as “but for” causation, “generally a person is not liable to another unless but for that person’s negligent act the harm would not have occurred.” *Sugarland Run Homeowners Assoc. v. Halfmann*, 260 Va. 366, 374, 535 S.E.2d 469, 474 (2000). The difficulty in such matters though, is that proximate cause is always a question of fact, and is therefore almost exclusively a decision for the jury. *Id* at 373, 535 S.E.2d at 472. The following represent some of the few cases in which the court found the facts so compelling that proximate cause could be determined without submitting the matter to a jury.

Three cases in which the Virginia Supreme Court ruled conclusively as to proximate cause are *Riggle v. Wadell*, 216 Va. 577, 221 S.E.2d 142 (1976), *Virginia Stage Lines, Inc. v. Brockman Chevrolet, Inc.*, 209 Va. 188, 163 S.E.2d 148 (1968), and *Bartlett v. Roberts Recapping, Inc.*, 207 Va. 789, 153 S.E.2d 193 (1967). *Riggle v. Wadell* involved a secondary collision due to actions resulting from the first accident. Defendant Wadell had stopped

in the roadway, negligence per se as this violated a statute, to see if he could render assistance for a collision that had occurred a short time prior. The passenger plaintiff and his host driver thereafter struck the Wadell vehicle, and the plaintiff brought suit against Wadell for his negligent stopping in the road. The trial court’s ruling in favor of defendant Wadell was upheld by the Supreme Court, on the basis of a lack of proximate cause. Both courts found that plaintiff’s host’s negligence in striking Wadell was the sole proximate cause of the plaintiff’s injuries. Wadell’s negligence was but a remote cause and therefore not legally sufficient to support a recovery.

In *Virginia Stage Lines v. Brockman*, the Virginia Supreme Court overturned a jury verdict in the plaintiff Brockman’s favor, for lack of proximate cause. Similar to *Riggle v. Wadell*, the defendant bus driver in Brockman had negligently stopped his bus in the roadway to assist his fellow bus driver with mechanical troubles. While both buses were stopped, another vehicle swerved to miss them, striking plaintiff Brockman (who had stopped to avoid yet another car) knocking Brockman into



the defendant's bus. The Supreme Court found that there was insufficient negligence to establish the defendant bus driver's negligence was the proximate cause of the accident, and therefore the jury verdict could not stand.

Bartlett v. Roberts Recap- ping is an even more difficult factual scenario, but the jury verdict against the defendant Bartlett was still reversed. Bartlett's vehicle had stalled in the middle of the road way, and while Bartlett awaited a tow truck, two other motorists voluntarily stopped to render assistance to push Bartlett's car off the road. While they were doing so, the tow truck arrived,

made a sudden stop, sending several tires flying from the truck, which injured one volunteer and killed the other. The tow company settled with the two volunteers, and then brought suit for contribution against Bartlett. Despite assuming that Bartlett was in fact negligent, the Supreme Court held that any such negligence was not in fact actionable, as it was not the proximate cause of the two personal injury cases.

Although the above cases do not represent the complete canon of law on this point, all remain valid holdings in the Commonwealth of Virginia, and may be used to support a defense when an insured is involved in

an occurrence in which other parties' negligence contributed to the injuries complained of, or to rebut attempts to foist liability onto the defendant at issue.



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