

Waste Transfer Station/Community Service Volunteer: Federal Court Addresses Injury Claim Related Issues



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The United States District Court for the Eastern District of Virginia in a May 10 Opinion and Order (“Opinion”) addressed a negligence claim against a Waste Transfer Station (“Landfill”) operator. See *Buchanan v. Santek Env’t of Va., LLC*, No. 1:21CV00006.

The claim was filed by an individual performing community service at the Landfill who was severely injured by a third party operating a motor vehicle.

John T. Buchanan (“Buchanan”) was performing court-ordered community service at a landfill operated by the defendant, Santek Environmental of Virginia, LLC (“Santek”). Buchanan’s work involved directing customers to specific dumping areas and assisting customers with garbage removal from their vehicles. He was severely injured by a customer’s truck while directing the customer to a dumping site.

Buchanan initially filed suit against Santek in the Circuit Court of Tazewell County Virginia. He alleged that Santek was negligent in failing to train or supervise him. Further, he argued Santek should have installed signs or controls for vehicular traffic at the landfill.

Santek removed the case to the United States District for the Eastern District of Virginia (“Court”). It filed a motion to dismiss arguing the company:

- Owed no duty to Buchanan
- was not the proximate cause of the injury

This was based on the argument that the third party was an intervening cause between Santek’s alleged negligence and Buchanan’s injury.

Santek also asserted that the requested punitive damages and attorney’s fees were unwarranted. To deny a Rule 12(b)(6) motion to dismiss, a court need only find “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

Negligence claims require a plaintiff to show that:

1. the defendant owed him a duty,
2. the defendant breached that duty, and
3. the defendant’s breach proximately caused the plaintiff’s harm.

The Court found that a landfill operator's general duty of ordinary care to avoid injuring others "could plausibly encompass providing trainings, warnings, supervisions, or signage, [and] such a duty is sufficient to support Buchanan's negligence claim." Further, an act or omission may be found to have proximately caused an injury when the injury:

1. was a natural and probable result of the breach (the defendant's act) and
2. the breach and injury were "causally related," such that the injury would not have existed "but-for" that breach.

Intervening "superseding causes," or extraordinarily unlikely or unforeseeable acts that occur between the breach of duty and harm are described as disrupting the causal link between the defendant's breach and plaintiff's harm. If so, the defendant is relieved of any liability.

Santek claimed that its alleged negligent failure to post warnings or control traffic, and supervise or train Buchanan, did not proximately cause Buchanan's injuries due to the third party's unforeseeable act of striking Buchanan with a motor vehicle.

The Court disagreed finding that:

. . . the Complaint plausibly alleges causation here, because it allows for the inference that the truck striking Buchanan was the foreseeable result of Santek's negligence and would not have occurred but for Santek's inaction.

It was deemed reasonably foreseeable that an untrained volunteer could be injured by a heavily-equipped truck dumping detritus at a landfill accessible to the public if it lacked traffic control or proper signs and warnings.

The Court also addressed the contributory negligence argument. A plaintiff is completely barred in Virginia from recovery for torts when it is partially at fault for the injury. Also recognized is the doctrine of "assumption of risk." Recovery is barred when a person voluntarily exposes himself to a known danger even though aware of the extent and nature of the danger.

Santek argued that Buchanan had previously been directing the third party to dump his waste in a certain area. He was alleged to be aware of a known danger and to have voluntarily exposed himself to it.

Affirmative defenses (including contributory negligence) typically depend on factual issues including voluntariness, knowledge, and proximate cause. Consequently, these are questions that usually must be decided by the jury, unless no reasonable persons could differ on the issue.

The Court held there could be reasonable disagreement on whether Buchanan voluntarily exposed himself to harm or whether Santek's alleged negligence proximately caused said harm. Therefore, it was deemed inappropriate at this point to rule whether Buchanan assumed the risk or was contributorily negligent.

The Court stated:

Specifically, the fact-finder could reasonably conclude that Santek's inadequate signage or lack of supervision proximately caused Buchanan's injuries instead of Buchanan's own conduct. The fact-finder could also reasonably find that Buchanan did not voluntarily expose himself to any danger because the probation office allegedly placed him at the landfill.

As to punitive damages, the Court held that they should not be dismissed by Rule 12(b)(6) motions as long as they are recoverable (i.e., if the defendant is found to have acted in a malicious way or consciously disregarded another's rights). The Court ruled that it was inappropriate to dismiss Buchanan's request for punitive damages.

Buchanan could not recover attorney's fees under the Complaint because it failed to cite any statute or contractual provision authorizing them.

A copy of the Opinion can be downloaded [here](#).