

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**VICTORIA CARDENAS, DENNIS
BUTLER, as Special Administrator
of the Estate of Carlos De Santiago,
deceased,**)
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)
)
)

Plaintiffs,)
)

v.)

CIV-14-386-R

GORGIS H. ORI., et al.,)
)

Defendants.)

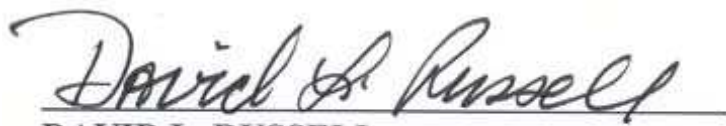
ORDER

Defendants Cristian Transport, Inc. and Jose Vasquez filed a Motion for Summary Judgment (Doc. No. 141), to which Plaintiffs originally objected. Co-defendants YRC and James Crittenden also objected to Defendants' motion. (Doc. No. 150). On August 24, 2015, Plaintiffs withdrew their response in opposition to Defendants motion (Doc. No. 170), leaving only the objection by the co-defendant. The Court has considered the parties' submissions, and finds as follows.

This case, and its numerous companion cases pending here and in the District Court of Oklahoma County, stem from a multi-vehicle accident near the Oklahoma/Texas border on March 31, 2012. Although the semi-truck driven by Defendant Vasquez on behalf of Defendant Cristian arrived on the scene of the accident before Mr. De Santiago or Ms. Cardenas, who were traveling one behind the other, with Mr. De Santiago in the lead, there is no dispute the semi-truck driven by Defendant Vazquez came to rest in the inside (left)

westbound lane, while Plaintiff Cardenas Carlos De Santiago, were in the outside (right) lane, when they came upon the wreckage unable to either stop in time to avoid collision or to change lanes in an attempt to do so. Despite co-defendants' protests to the contrary, before the case must be submitted to the jury there must be evidence to support causation between the claims of the Plaintiffs and Defendants Cristian and Vasquez. The evidence establishes that at the time of impact, in the lane parallel to the movants' truck, Mr. De Santiago was traveling sixty-five miles per hour when his vehicle impacted, and ran under, the Fisher Trucking semi-truck. Ms. Cardenas was following at nearly that same speed, and according to her testimony, the accident was so sudden she did not have an opportunity to go left or right. As a result, the presence of the truck driven by Vasquez in the inside lane cannot be said to have caused, in any manner, the injuries sustained by Ms. Cardenas or the death of her spouse. The Court finds that the evidence establishes as a matter of law that Defendants Cristian Transport and Jose Vazquez were not negligent with regard to Plaintiff Cardenas or Carlos De Santiago. As such, Defendants' motion for summary judgment is granted with regard to Plaintiffs' claims.

IT IS SO ORDERED this 27th day of August, 2015.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE