

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF HAMPTON	)	
	)	
WILLIE COOPER,	)	
	)	CASE NO.: 2023-CP-25-00191
Plaintiff,	)	
	)	
v.	)	
GEORGE N. BELL and CSX	)	
TRANSPORTATION, INC.,	)	
	)	
Defendants.	)	

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SC Court of Appeals



ORDER GRANTING DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT

Defendants CSX Transportation, Inc. and George N. Bell’s (hereinafter “CSXT” or “Defendants”) Motion for Summary Judgment having been considered and heard by the Court on May 4, 2026, the Court finds the Motion should be and shall be GRANTED.

This matter arises from a crossing accident on July 16, 2020 in Hampton County, South Carolina. In his complaint, Plaintiff alleges that Defendants failed to warn him of the oncoming locomotive, that his view down the tracks was negligently obstructed due to railcars on a spur track, and, finally, that the presence and design of the spur track itself was dangerous and caused a sight obstruction.¹ Based on the submissions and argument of counsel, the Court makes the following findings of fact and conclusions of law.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

On July 16, 2020, Plaintiff Willie Cooper, was struck by a train as he attempted to navigate a private crossing as he exited JR Wilson Construction Co. Inc. The private railroad grade crossing at issue was protected by “PRIVATE CROSSING” and “STOP” signs requiring

¹ In their brief in support of the Motion for Summary Judgment, Defendants argue that any claims made regarding the design of the spur track are preempted by federal law. During the hearing, Plaintiff withdrew this count and therefore the Court will not address this issue.

Plaintiff to bring his “truck to a complete stop before crossing the railroad track” and to look both ways before going over the crossing. Defendants presented two separate videos showing the collision from different viewpoints. First, video footage from JR Wilson Construction Co. shows the rear of the truck as it approaches the crossing and is struck. Plaintiff’s Counsel acknowledged that no brake lights can be seen in this video despite the fact Plaintiff himself testified in deposition that he stopped prior to the crossing. More telling was the forward-facing video footage pulled from the lead locomotive’s Locomotive Digital Video Recorder (“LDVR”). This video, which begins several minutes prior to the collision, clearly shows Plaintiff approaching the crossing from the left. He does not stop at any time and pulls onto the crossing in front of the approaching train. In addition, the train crew provided the necessary and required warnings while they approached the crossing, as the train’s horn and bell can be clearly heard in the video. Expert witness Foster Peterson, a mechanical engineer and expert in train operations, provided his report finding Defendants complied with the relevant railroad regulations and that by the time Defendants realized Plaintiff did not intend to stop and yield the right of way to the train, they were unable to avoid the collision despite having activated the train’s emergency brakes. He also determined the line of sight down the track was “substantial and exceed[ed] 1,500 feet.”

In opposition, Plaintiff argues that he did in fact stop and look both ways before traversing the crossing. He further argues that his view of the oncoming train was obscured by railcars on a spur track to his right and that photographs taken from the scene, which do not show the offending railcars in a position that would have blocked his view, were taken after those railcars had been moved. Thus, Plaintiff contends, there is a question of fact barring an order of summary judgment. However, the forward facing LDVR video also shows there was an unobstructed, clear line of sight between Plaintiff and the train and, specifically, that there were no railcars on the spur track which obstructed view.

Summary judgment is appropriate “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” S.C.R. Civ. P. 56(c). To resist summary judgment, Plaintiff must come forward with probative evidence to support each element of his claims, and a “mere scintilla” will not do; “[r]ather, the proper standard is the ‘genuine issue of material fact standard set forth in the text of the Rule.’” Isaac v. Onions, 445 S.C. 525, 533, 915 S.E.2d 492, 496 (2025) (quoting Kitchen Planners, LLC v. Friedman, 440 S.C. 456, 459, 892 S.E.2d 297, 299 (2023)). As the South Carolina Supreme Court recently explained:

In determining whether any triable issue of fact exists, the evidence and all inferences which can be reasonably drawn therefrom must be viewed in the light most favorable to the non-moving party.” Summer v. Carpenter, 328 S.C. 36, 42, 492 S.E.2d 55, 58 (1997). ***To survive summary judgment, “it is not sufficient for a party to create an inference that is not reasonable or an issue of fact that is not genuine.”*** Kitchen Planners, 440 S.C. at 462, 892 S.E.2d at 301 (quoting Town of Hollywood v. Floyd, 403 S.C. 466, 477, 744 S.E.2d 161, 166 (2013)). “The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder.” George v. Fabri, 345 S.C. 440, 452, 548 S.E.2d 868, 874 (2001). “In that way, ‘[a] motion for summary judgment is akin to a motion for a directed verdict’ because ‘[i]n each instance, one party must lose as a matter of law.’” Id. (alterations in original) (quoting Main v. Corley, 281 S.C. 525, 526, 316 S.E.2d 406, 407 (1984)).

Id. (emphasis added).

In this regard, “[t]estimony that contradicts undisputed physical evidence generally lacks probative value.” Legette v. Piggly Wiggly, Inc., 368 S.C. 576, 580, 629 S.E.2d 375, 377 (Ct. App. 2006) (affirming summary judgment where photographs refuted the plaintiff’s testimony) (citing Lail v. South Carolina State Highway Dep’t, 244 S.C. 237, 138 S.E.2d 306 (1964)). Thus, “[w]hen a video ‘quite clearly contradicts the version of the story told by [the plaintiff] ... so that no reasonable jury could believe it, a court should not adopt that version of the facts for purposes of ruling on a motion for summary judgment.’” See, e.g., Wilt v. W. Va. State Police, Troop 2, 633 F.3d 272, 276 (4th Cir. 2011) (quoting Scott v. Harris, 550 U.S. 372, 378–80 (2007)).

When it cannot be genuinely disputed that video evidence “fairly and accurately captured the incident,” the video controls. See Thomas v. TJX Companies, Inc., No. 2023-000146, 2025 WL 857110, at *2 (S.C. Ct. App. Mar. 19, 2025) (unpublished); see also Wiggins v. ALDI, Inc., No. 2019-000152, 2021 WL 5919111, at *1 (S.C. Ct. App. Dec. 15, 2021) (unpublished) (“We do not view the apparent conflict between the video’s contents and the testimony of Appellant’s witnesses as genuine.”). Despite Plaintiff’s insistence that he stopped and that there were railcars obstructing his view, he does not allege either video has been edited or tampered with in any way. He has therefore failed to come forward with any evidence presenting a genuine issue for trial.

As explained *supra*, video evidence conclusively demonstrates that Plaintiff negligently failed to stop for the “STOP” sign and that a reasonable person in Plaintiff’s position would have perceived the imminently approaching train. In failing to stop at the “STOP” sign as he approached the track, Plaintiff violated S.C. Code Ann. § 56-5-2710 and § 56-5-2715. As a result, Plaintiff’s claims are barred by his own negligence, which was the sole proximate cause of the collision. Cf. Poole v. S. Ry. Co., 250 S.C. 213, 218, 157 S.E.2d 175, 178 (1967) (concluding in case in which motorist ran into the side of a moving freight train, “It is obvious that the primary and efficient cause of the collision, if not the sole proximate cause thereof, was the conduct of Mrs. Barrier in approaching the crossing, of which she was fully aware, without reducing her speed and while driving with dim lights.”). Moreover, the CSX train crew, including Defendant Bell, had a right “to presume that motorists using the [private crossing] would obey the law and exercise due care.” Cf. Poole, 250 S.C. at 218, 157 S.E.2d at 178 (holding train crew had right to presume motorist approaching crossing would see their train, which was traversing the crossing). Consequently, CSX is entitled to judgment as a matter of law.

For all the foregoing reasons, it is hereby ORDERED that Plaintiff's claims against George Bell and CSXT are barred, and Defendants' Motion for Summary Judgment is hereby GRANTED. Each party shall bear their own costs, expenses and fees related to this Motion.

IT IS SO ORDERED this ____ day of June, 2026.

Honorable Jocelyn Newman
Circuit Court Judge



Hampton Common Pleas

Case Caption: Willie Cooper VS George N Bell , defendant, et al

Case Number: 2023CP2500191

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So Ordered

Jocelyn Newman