SECOND DIVISION
DOYLE, P. J.,
DAVIS and WHITAKER, JJ.

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October 27, 2026

In the Court of Appeals of Georgia

A26A1152. EVANS v. LYFT, INC.

DOYLE, Presiding Judge.

Williams Evans sued Roy Sallie and Lyft, Inc., for personal injury after Evans was assaulted by Sallie, his Lyft driver. Lyft moved for summary judgment, and after a hearing, the trial court granted the motion. Evans now appeals, contending that the trial court erred by granting summary judgment to Lyft because there were genuine issues of material fact as to whether Lyft's failure to follow its own safety policies proximately caused Evans's injuries. For the reasons that follow, we affirm.

"Summary judgment is proper when there is no genuine issue of material fact and the movant is entitled to judgment as a matter of law." *Sheffield v. Jekyll Island State Park Auth.*, 369 Ga. App. 265, 266 (893 SE2d 158) (2023) (punctuation omitted).

"We review de novo a grant ... of summary judgment, viewing the evidence and all reasonable conclusions and inferences drawn from it in the light most favorable to the nonmovant." Id. (quotation marks omitted).

So viewed, the record reflects that Lyft is a ride share network service that operates a technology platform, including a smart phone application and website, that connects passengers with drivers who transport passengers for a fee. Georgia statutory law requires ride share network services like Lyft to undertake certain steps to protect riders. For instance, pursuant to OCGA § 40-5-39(e), Lyft requires its drivers to submit to background checks of their criminal histories and driving records before approval to use the Lyft platform. Pursuant to OCGA § 40-5-39(e)(4), certain criminal convictions and traffic violations bar prospective drivers from such approval, and Lyft continuously monitors the criminal and driving records of approved drivers such that the existence of certain offenses automatically results in the removal of a driver from the Lyft platform. Additionally, pursuant to OCGA § 40-1-193(c)(3), Lyft has a zero-tolerance drug and alcohol policy, whereby Lyft drivers who are under the influence of drugs or alcohol while transporting passengers are removed from the Lyft platform. The Lyft application allows passengers to report Lyft drivers for suspected violations of this policy at the completion of a ride.

On September 6, 2020, Evans engaged Sallie via the Lyft platform for a ride to the Atlanta airport. Despite the fact that there was little to no traffic at the time, Sallie was weaving in and out of lanes and otherwise driving erratically. Evans's destination was a rental car facility apart from the main airport; however, Sallie initially drove Evans to both the north and south terminals and subsequently to a restricted-access offsite parking area before Evans began using his own GPS to direct Sallie. Tensions eventually escalated to the point at which Sallie stopped on the roadside and ordered Evans out of the vehicle. Evans obliged and removed his luggage from the trunk. Sallie then exited his vehicle, beat Evans unconscious, and fled the scene. Sallie was removed from the Lyft platform following the incident, and he later pled guilty to aggravated battery based on the incident.

On October 20, 2020, Evans sued Sallie and Lyft, alleging that Lyft was liable for Sallie's assault of Evans based on theories of vicarious liability and negligent hiring, training, supervision, and retention. Evans also asserted claims against Lyft for punitive damages and attorney fees under OCGA § 13-6-11. Sallie did not answer, and Lyft's answer denied liability on the basis that Sallie was an independent contractor rather than an employee at the time of the assault.

Discovery revealed that Lyft had approved Sallie to use the Lyft platform on

August 28, 2020. Prior to his approval, in April 2020, Sallie was charged with reckless driving in Virginia based on his allegedly traveling 94 mph in a 55 mph zone. The charge subsequently was reduced to improper driving, to which Sallie entered a plea of nolo contendere in August 2020. Lyft's corporate representative deposed that he believed that a prospective or approved driver being charged with reckless driving for traveling 94 mph in a 55 mph zone would result in the driver being barred from using the Lyft platform.

Lyft received two reports indicating that Sallie was in violation of the zero-tolerance drug and alcohol policy. One day after Sallie was approved to use the Lyft platform, on August 29, 2020, a passenger left him a one-star review, complained of unsafe driving, and commented, "[I] felt uneasy the whole time[; I] felt like the driver was on something." Lyft sent the passenger an email the next day requesting further detail, but the passenger did not respond. Lyft took no further action in response to the incident. On September 4, 2020, another passenger gave Sallie a one-star review and flagged him for a suspected violation of Lyft's zero-tolerance drug and alcohol policy without comment. Lyft took no action in response to this incident.

Lyft eventually moved for summary judgment, arguing that each of Evans's

claims against Lyft were precluded by Sallie's independent contractor status.[1] Evans then amended his complaint to add two counts against Lyft based on Lyft's alleged negligence in failing to disqualify Sallie from using the Lyft platform based on his driving record and repeated violations of the zero-tolerance drug and alcohol policy. Evans also responded in opposition to Lyft's summary judgment motion. Lyft subsequently amended its answer and supplemented its summary judgment motion to address the new claims raised in Evans's amended complaint, arguing that Sallie's assault of Evans was an intervening criminal act of a third party, which broke the causal connection between Lyft's alleged negligence and Evans's injury, and that Sallie's assault of Evans was not a reasonably foreseeable consequence of Lyft's alleged negligence.

After a hearing, the trial court granted Lyft's motion for summary judgment. In its order, the trial court found that Evans's claims against Lyft based on vicarious liability and negligent hiring, training, supervision, and retention failed as a matter of law based on Sallie's undisputed status as an independent contractor. As to Evans's negligence claim based on Sallie's driving record, the trial court found that Sallie's

[1] The trial court initially granted the motion without a hearing, but later set aside the order upon learning that the parties had agreed to extend Evans's time to respond to the motion.

conviction for improper driving was not an offense warranting removal from the Lyft platform under Georgia law, with which Lyft had complied in performing its background checks of Sallie's driving record and criminal history. As to Evans's negligence claim based on Sallie's reported violations of Lyft's zero-tolerance drug and alcohol policy, the trial court found that because neither of these reported violations had put Lyft on notice of Sallie's violent propensities, there was no jury issue as to foreseeability and proximate cause. Accordingly, the trial court granted summary judgment to Lyft.

Evans initially appealed the trial court's order in December 2022. Lyft moved to dismiss the appeal based on Evans's delay in filing the required transcripts, and Evans subsequently withdrew his notice of appeal. Thereafter, Evans moved for a default judgment against Sallie, which motion the trial court granted. After a damages hearing, the trial court entered a judgment against Sallie in the amount of $12,115,000, inclusive of compensatory damages, punitive damages, and attorney fees. This appeal follows.[2]

Evans contends that the trial court erred by granting summary judgment to Lyft because there were genuine issues of material fact as to whether Lyft's failure to

[2] Lyft also moved to dismiss this appeal, which motion the trial court denied.

follow its own safety policies proximately caused Evans's injuries. Specifically, Evans argues that Sallie's improper driving conviction, together with his two reported violations of the zero-tolerance drug and alcohol policy in the week leading up the assault made it reasonably foreseeable to Lyft that Sallie's use of the Lyft platform would result in physical injury to Evans. We disagree.

"[T]o recover for injuries caused by another's negligence, a plaintiff must show four elements: a duty, a breach of that duty, causation[,] and damages. A plaintiff must prove that the defendant's negligence was both the 'cause in fact' and the 'proximate cause' of the injury." *City of Richmond Hill v. Maia*, 301 Ga. 257, 258(1) (800 SE2d 573) (2017) (citation and punctuation omitted). "Cause-in-fact requires a determination that, but for the defendant's act, the injury to the plaintiff would not have occurred. ... Proximate cause, on the other hand, is a separate limit on legal liability." *Blondell v. Courtney Station 300 LLC*, 362 Ga. App. 1, 4-5(1) (865 SE2d 589) (2021) (quotation marks omitted). "The requirement of proximate cause is a policy decision that, for a variety of reasons, ... the defendant's conduct and the plaintiff's injury are too remote for the law to countenance recovery." *Goldstein, Garber & Salama, LLC v. J. B.*, 300 Ga. 840, 842(1) (797 SE2d 87) (2017) (quotation marks omitted). "This policy decision is largely grounded in the concept of foreseeability:

a wrongdoer should be responsible only for consequences which, based on our common sense and understanding, would probably or naturally flow from his conduct." *Blondell*, 362 Ga. App. at 5(1). "Reasonable foreseeability [is thus] a hallmark of proximate cause." *Tyner v. Matta-Truncoso*, 305 Ga. 480, 488(3) (826 SE2d 100) (2019).

> While the question of proximate cause is usually submitted to the jury as a question of fact, it may be decided as a matter of law where the evidence shows clearly and palpably that the jury could reasonably draw but one conclusion, that the defendant's acts were not the proximate cause of the injury.

Karekezi v. Pinnacle Systems, Inc., 367 Ga. App. 391, 396(1) (885 SE2d 235) (2023) (quotation marks omitted).

Although it is undisputed that Sallie was an independent contractor for Lyft, if a plaintiff claims a defendant is liable for the criminal act of third person because the defendant negligently had an independent contractor relationship with that person, the reasonable foreseeability standard for negligent employment actions nevertheless applies. See *Goldstein, Garber & Salama, LLC*, 300 Ga. at 840, 842(1) n. 2 (applying the standard for employer/employee to an independent contractor relationship). In this context, reasonable foreseeability "hinge[s] on an employer's knowledge of a

specific employee's propensity to cause the type of harm suffered by the plaintiff." *Cleveland v. Tearm RTR2, LLC*, 359 Ga. App. 104, 108-09(2) (854 SE2d 756) (2021) (emphasis omitted). Although a plaintiff is "not required to prove the foreseeability of the particular consequences of [the employee]'s behavior or the precise injuries sustained by [the plaintiff,] ... [he must] produce 'some evidence of incidents similar to the behavior that was the cause of the injury at issue.'" *Advanced Disposal Servs. Atlanta v. Marczak*, 359 Ga. App. 316, 319(2) (857 SE2d 494) (2021) (emphasis and citation omitted). See also *Munroe v. Universal Health Servs., Inc.*, 277 Ga. 861, 863(1) (596 SE2d 604) (2004) ("[A]n employer may be held liable only where there is sufficient evidence to establish that the employer reasonably knew or should have known of an employee's 'tendencies' to engage in certain behavior relevant to the injuries allegedly incurred by the plaintiff.").

Evans argues that Sallie's conviction for improper driving created a genuine issue of material fact as to whether Lyft's failure to disqualify Sallie from the Lyft platform was the proximate cause of Evans's injuries. In support of this argument, Evans cites the fact that Lyft's corporate representative deposed that he believed that a prospective or approved driver being charged with reckless driving for traveling 94 mph in a 55 mph zone would result in the driver being barred from using the Lyft

platform. Neither reckless driving nor improper driving is considered a major traffic violation under OCGA § 40-5-142(18.2), and because Sallie had no other traffic violations from the preceding three-year period, see OCGA § 40-5-39(e)(4)(A), the conviction did not bar Sallie from approval to use the Lyft platform. And even assuming that Sallie's traffic violation warranted his disqualification from the Lyft platform, and further assuming that Lyft's failure to disqualify Sallie based on this offense constituted a breach of duty, there is no evidence of a causal connection between Sallie's driving record and the type of injuries Evans sustained here. See *Graham v. City of Duluth*, 328 Ga. App. 496, 505(2)(b) (759 SE2d 645) (2014) ("[E]ven if the [employer] did not adhere to proper procedures in hiring [the employee], absent a causal connection between the employee's particular incompetency for the job and the injury sustained by the plaintiff, the defendant employer is not liable to the plaintiff for hiring an employee with that particular incompetency."). In other words, a prior speeding ticket is not evidence of an incident similar to the violent behavior that caused the injuries at issue. See *Marczak*, 359 Ga. App. at 319.

Evans also argues that Sallie's two reported violations of Lyft's zero-tolerance drug and alcohol policy created a genuine issue of material fact as to whether Lyft's

failure to remove Sallie from the Lyft platform was the proximate cause of Evans's injuries. Construing Sallie's two prior reported violations of the zero-tolerance drug and alcohol policy as evidence that Sallie was in fact intoxicated while transporting these passengers, there is no evidence that Lyft knew of Sallie's propensity for aggression and violence or that it was reasonably foreseeable that his apparent issues with drugs and/or alcohol would result in the injuries sustained by Evans.

> To hold ... that a[n employer] may be found liable for the negligent employment of a[n employee] who subsequently commits tortious and criminal acts solely because the employer knew or should have known that the [employee] was having a problem with [drugs or] alcohol would be tantamount to holding that there is no longer any proximate causation requirement in negligent employment actions in this state.

Mountain v. S. Bell Tel. & Tel. Co., 205 Ga. App. 119, 121(2) (421 SE2d 284) (1992) (quotation marks omitted) (holding that an employee's rape of the plaintiff and "dangerous and violent propensities" were not reasonably foreseeable based on his "alcoholism and/or drug addiction"). See also *Worstell Parking v. Aisida*, 212 Ga. App. 605, 606(2) (442 SE2d 469) (1994) (holding that an employee's assault of the plaintiff was not reasonably foreseeable based on the fact that the employee had several previous drug convictions because the record contained no evidence that the employee had violent propensities or that the employer knew of such propensities).

Compare *Underberg v. S. Alarm, Inc.*, 284 Ga. App. 108, 112-15(2) (643 SE2d 374) (2007) (holding that the employer's failure to conduct a background check that would have revealed that the employee previously had been convicted of burglary and kidnapping created a genuine issue of material fact as to proximate cause after an employee kidnapped the plaintiff); *Marczak*, 359 Ga. App at 320 (holding that the fact that the employee recently had "reacted aggressively" and threatened his supervisor after being "accused of not performing his work properly" created a genuine issue of material fact as to whether the employee's assault of the plaintiff was reasonably foreseeable).

The undisputed material record contains no evidence that Sallie had aggressive or violent tendencies or that Lyft was aware of such tendencies. Accordingly, the trial court did not err by granting summary judgment as to Evans's negligence claims against Lyft based on Sallie's driving record and violations of the zero-tolerance drug and alcohol policy.

Judgment affirmed. Davis, J., concurs. Whitaker, J., concurs fully and specially.

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WHITAKER, Judge, concurring fully and specially.

It is undisputed that no record evidence suggests that Sallie had displayed aggressive or violent tendencies prior to his vicious attack on Evans, or that Lyft was aware of any such tendencies. So under our applicable caselaw, the trial court correctly concluded as a matter of law that Lyft's acts were not the proximate cause of Evans' devastating injuries, and I concur fully in the judgment affirming the trial court's grant of summary judgment in this case. I write separately only to highlight what the facts of this case make painfully clear: irrespective of legal duties, proximate cause, or bottom lines, the safety of the riding public should be a paramount focus for rideshare companies. Serious customer concerns and "one star" ratings reported at the virtual outset of a driver's tenure, even if not portending future violence or

aggression towards customers, should give a rideshare company serious pause about continuing the company's association with that driver.