

RAILROAD WORKER INJURED ON JOB, LAWSUIT AGAINST COMPANY REVERSED ON APPEAL



A switchman for a railroad company injured himself on the job, but because he couldn't specify the rail car where his injury occurred, the company wanted a lawsuit against them dismissed. Federal and appellate judges had opposing views on the case. The man had been a railroad worker for more than 30 years and was employed by Norfolk Southern Railway Company. His duties included climbing onto rail cars and lifting or pulling handbrakes. On one particular day, near the end of a twelve-hour shift, he had trouble with a handbrake that would not turn. He attempted to move it in a stance that the company trained him to use, but the brake only released when he applied additional force. His shoulder was sore afterwards, which he mentioned to his wife may have been caused by the unruly handbrake. When the shoulder pain intensified, he notified Norfolk Southern of his injury, nearly two weeks after the incident. He visited a physician, and an MRI revealed a severed tendon in his shoulder. Surgery ensued. As a consequence, the switchman sued the company, alleging a violation of the Federal Employers' Liability Act (FELA) because of Norfolk Southern's negligence in providing safe and adequate equipment, etc., and a violation of the Federal Safety Appliance Act (FSAA) as the company was liable for the handbrake causing his injury. The problem? The man couldn't identify the precise rail car. Norfolk Southern argued that his evidence was "insufficient" and that it couldn't defend itself against his allegations. The company moved for summary judgment. The plaintiff argued against the motion, asserting that his doctor's testimony and his own were adequate enough to show the company liability under the FELA and FSAA. The district court believed that not pinpointing the exact rail car would result in "speculation," so judges ruled in the company's favor. The appeals court, however, sided with the plaintiff. Judges questioned the district court's consideration of the man's inability to identify the rail car – in lieu of considering whether there was evidence of an inefficient handbrake. Appellate judges determined that the district court could not grant summary judgment on that basis. For summary judgment to be granted there must be "no genuine issues of material fact." Judges noted that the district court had made a decision on the man's claim having no merit – acting, according to judges, as the "trier of fact." This wasn't the court's duty, but rather that of a jury, which would ultimately assess the details of the case. Therefore, the appeals court determined that the district court's rule of summary judgment was improper. The appeals court also found that, even if the district court had applied the proper standard, summary judgment should not have been granted. Appellate judges dismissed the company's contention that some of the plaintiff's evidence was "more compelling" than other evidence because, again, it's for a jury to decide. But judges likewise disregarded Norfolk Southern's claim that the man gave contradictory testimony – stating "reasonable" force in releasing the handbrake in his testimony, and "beyond the usual and reasonable" force in the affidavit against summary judgment. The judges did not see a drastic contraction between the two. Accordingly, the district court's decision was reversed and remanded for further proceedings.