

**Case Name:** Lawrence A. Mancini and Deborah Mancini v. CSX Transportation

**Date Decided:** April 1st, 2010

**Originally Filed in:** New York (Federal)

**Decided by:** New York Northern District Court (Federal)

**Court:** U.S.D.C. Northern District of New York

**Judge:** Judge McAvoy

**Citation:** 2010 WL 1268021 (N.D.N.Y.)

**Background:**

Plaintiffs brought this action under [FELA](#) and New York state common law against CSX Transportation arising from an [automobile accident](#). Lawrence Mancini was employed by [CSX](#) as a train conductor. On the day of the injury, Mancini's duties included delivering rail cars to a rail yard. While performing this task, Mancini was working with another CSX employee who was a train engineer. After delivering the rail cars, Mancini lapsed time and a van was dispatched to transport Mancini and his co-worker to their home terminal. Upon stopping the train, Mancini contacted the dispatcher and informed him there was no van. Another van was dispatched but Mancini was told it would have taken "hours" to get them. Both employees were concerned that road conditions would deteriorate while waiting for the van and, Ketterer, another employee, used his pickup truck to transport both Mancini and his other co-worker. Mancini had taken a ride back to his home terminal from Ketterer about 20 times in the previous 5 years. While returning, another vehicle had collided with Ketterer's pickup truck. Mancini asserted that he was severely injured by the collision and permanently disabled from his railroad employment. All parties involved filed several motions for summary judgment. Applicable to FELA, was CSX's motion for summary judgment against Mancini to dismiss the FELA claim.

**Issue:**

Did this Court grant CSX's motion for summary judgment?

**Overall Issues Discussed or Touched Upon in this Case:**

- *Ruling on Summary Judgment*
- *Applicability of FELA at Issue*

**Held:**

CSX contended that it was entitled to summary judgment dismissing Mancini's FELA claim because it had providing Mancini with a safe place to work. Additionally, CSX claimed that Mancini's injury was proximately caused by the driver of the van that collided with the pickup truck. This Court found, however, that there were questions of fact as to whether Ketterer, a CSX agent, operated his vehicle in a negligent fashion. Mancini claimed that Ketterer was negligent for failing to yell a warning before the impact. Additionally, Mancini presented

evidence of letters sent to CSX, by the union, that there had been many complaints about the use of Ketterer's private vehicle to transport train crews. This Court found that a reasonable fact finder could conclude that the employer was on notice of a potential hazard occasioned by the use of Ketterer's pickup truck to transport train crews because the truck was without "adequate and proper seating". Accordingly, this Court denied CSX's motion for summary judgment.

**Comments:**

**Although a ride in a pickup truck, not owned by the railroad, does not "feel" as if it imposes FELA liability upon the railroad, in some instances it may. Here, the Court found that the railroad may have had reason to know that its employees were being transported with a private vehicles through complaint letters received by the union representative. Accordingly, it may result in FELA liability. Steve Gordon**