

Case Name: Riley v. Union Pac. R.R. Co.

Date Decided: May 12th, 2010

Originally Filed in: Oklahoma (Federal)

Decided by: Oklahoma Eastern District Court (Federal)

Court: U.S.D.C. E.D. Ok.

Judge: Judge West

Citation: Riley v. Union Pac. R.R. Co. 2010 WL 1929623 (E.D.Ok. 2010)

Background:

Riley was employed by Union as a locomotive engineer. While performing his duties before taking the train out Riley stepped on a rusted metal plate on the floor which gave way and injured Riley. Riley's medical records indicate that the Plaintiff suffered left shoulder pain from the accident. A couple weeks later, Riley returned to the same medical center and was diagnosed with a lumbar/sacral spain/strain in his lower back. Riley filed suit under the Locomotive Inspection Act (LIA) seek damages for his injuries. In support of his claim, Riley introduced evidence of Dr. Hopkins who testified that Riley's injuries to his neck, lower back, and left shoulder were caused by or contributed by the injury on Union's train. Riley also had another doctor testify that based on the medical files that it was likely that his disc herniations correlated with the injury from Union's train. Union contends that summary judgment is improper because there is still a question of fact as to whether the injuries by Riley were fully or partially caused by the fall.

Issue:

Should the court grant the Plaintiff's motion for summary judgment under the Locomotive Inspection Act leaving only the issue of damages?

Overall Issues Discussed or Touched Upon in this Case:

- *Locomotive Inspection Act*
- *Summary Judgment - Plaintiff Factual Denied*
- *Ruling on Summary Judgment*

Held:

The court began its analysis by setting out the standard for summary judgment under the Federal Rules of Procedure. It explained that summary judgment shall be granted if the record shows 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. A genuine issue of material fact exists when there is sufficient evidence favoring the non-moving party for a jury to return a verdict for that party. Under the LIA, a railroad carrier has an absolute duty to ensure that the locomotive is both property maintained and safe to operate. The carrier must assure the locomotive and its appurtenances are: (1) are in proper condition and safe to operate without unnecessary

danger of personal injury; (2) have been inspected as required under this chapter and regulations prescribed by the Secretary of Transportation under this chapter; and (3) can withstand every test prescribed by the Secretary under this chapter. In order for a plaintiff to prevail under the LIA, he must prove that he suffered injuries as a result of a violation of the LIA, that the locomotive was in use and that he was on duty at the time of the violation. Here, there is no question as to all three of the requirements are met. As Union points out, however, there is conflicting evidence precluding summary judgment because the extent of Riley's injuries that can be attributed to the fall is a question of fact that a jury must determine.

Comments:

Comment: In order to prevail under the Locomotive Inspection act a plaintiff must prove three things: 1) he must prove that he suffered injuries as a result of a violation of the LIA, 2) that he was on duty at the time of the violation, and 3) that the locomotive was in use at the time of the injury.