

**Case Name:** Shearrer v. Union Pacific Railroad Company  
**Date Decided:** May 7th, 2010  
**Originally Filed in:** Illinois (Federal)  
**Decided by:** Illinois Southern District Court (Federal)  
**Court:** U.S.D.C. S.D. Illinois  
**Judge:** Judge Reagan  
**Citation:** Shearrer v. Union Pacific Railroad Company, 2010 WL 1849317 (S.D.II. 2010)

**Background:**

Todd Shearrer (Shearrer) was working as a locomotive conductor with Union Pacific Railroad Company ("Union") on a trip from Dexter, Missouri to Dupo, Illinois. On December 28, 2007, Shearrer claims to have sustained permanent and debilitating lung injuries after being exposed to toxic sulfuric acid fumes for three hours from faulty overheating batteries. Subsequently, Shearrer filed a Federal Employer's Liability Act (FELA) claim and a Locomotive Inspection Act (LIA) claim against Union. Both parties filed motions for summary judgment. Shearrer contends that he is entitled to summary judgment on liability, because FELA imposes an absolute duty to maintain a locomotive in safe condition and because Union improperly used batteries that were gassing excessively, it violated both general and specific safety requirements in both the LIA and FELA.

**Issue:**

Is summary judgment appropriate for either party?

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

- *Ruling on Summary Judgment*
- *Summary Judgment - Plaintiff Factual Denied*
- *Expert Witness- Daubert Issues*
- *Summary Judgment - Plaintiff Legal Denied*
- *Daubert Ruling*
- *Locomotive Inspection Act*

**Held:**

The Court declined to address Union's motion for summary judgment because to properly do so it first needed to resolve a Daubert issue. Next, the Court began its analysis by explaining that summary judgment is only proper where all the evidence, considered in the light most favorable to the non-moving party, shows that no genuine issues of material fact remain.

The Court agreed with Shearer that Union failed to keep the locomotive in a safe condition thereby violating FELA and that it violated the general and specific safety requirements of the LIA due to the excessively gassing batteries. FELA imposes liability upon an employer if the employer negligence played any part, even the slightest, in producing the injury or death for

which damages are sought. Further, the LIA requires that the employees cab be free of conditions that endanger the crew and that the failure to comply with this standard is negligence per se under the FELA. All of this, however, does not erase the plaintiff's burden of proving a causal relationship between the statutory violation and the particular injury claimed. While reviewing the record, the district court found genuine questions of material fact as to the causal link between Union's conduct and Shearrer's injuries and whether Union breached its duty under the LIA to keep the train and its parts in the requisite safe condition. The court explained that since it must view all evidence in favor of the non-moving party that it must for the purposes of this motion find that the evidence indicates that Union complied with the LIA regarding the emission of fumes into Shearrer's workspace. As a result, Shearrer's motion for summary judgment was denied.

**Comments:**

**FELA imposes liability on railroads for injuries resulting in whole or in part from the negligence of the railroad or its employees.**