

**Case Name:** Coburn v. CSX Transportation, Inc.

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

**Originally Filed in:** Kentucky (state)

**Decided by:** Kentucky Court of Appeals (State)

**Court:** Kentucky State Court of Appeal

**Judge:** Wine

**Citation:** 2010 WL 3810621

**Background:**

Plaintiff originally filed a FELA claim against CSX Transportation in Ohio State court. The action was then dismissed for *forum non conveniens*. After the action was dismissed, plaintiff had nineteen days in which to re-file his claim in a court of competent jurisdiction before the three-year statute of limitations ran out. Plaintiff later filed this claim more than six months after the statute of limitations had run. Defendant (CSX) filed motion for summary judgment, asserting the action had been barred by the statute of limitations. The trial court granted summary judgment. Plaintiff appealed the decision, alleging the doctrine of equitable estoppel had tolled the statute of limitations preserving the timeliness of the plaintiff's claim. In asserting its argument, plaintiff relied on the past acts of CSX, in separate, court cases (unrelated to the case in question) where CSX had agreed to be bound by the saving statute of the state granting the *forum non conveniens dismissal*.

**Issue:**

Did CSX's prior actions in cases that were unrelated to the case in question serve as a basis for which the plaintiff can rely on to assert an argument in favor of collateral estoppel?

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

- *Statute of Limitations*
- *Ruling on Summary Judgment*
- *Procedural Issues - State*

**Held:**

No. The court affirmed the trial court's summary judgment dismissal. The court reasoned that, under Kentucky law, in order to invoke the doctrine of collateral estoppel, plaintiff must have relied on the defendant's affirmative acts that amount to a false representation whereby the plaintiff could not have obtained knowledge of the true facts, and where the party to be estopped has the intention or expectation that the other party will rely upon his conduct. Lastly, the other party detrimentally relies upon the conduct of the estopped party. The court reasoned that CSX did not make any representation to the plaintiff with the intent to mislead him, and that it was actually not reasonable for the plaintiff to rely on CSX's actions in the unrelated cases.

**Comments:**

A party's conduct in previous, unrelated cases is an inadequate basis from which another party may rely on.