

**Case Name:** Peters v. Metro-North Commuter Railroad Co.

**Date Decided:** September 28th, 2010

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

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

**Court:** S.D.N.Y.

**Judge:** Ellis

**Citation:** 2010 WL 3790720

**Background:**

Plaintiff, a machinist, brought this action against his employer, MetroNorth, pursuant to the FELA. Plaintiff alleged that he suffered cumulative trauma injuries over the course of many years while working for MetroNorth. Plaintiff alleged that despite the fact that he told his employer that automatic tools were available for several of the demanding tasks he was required to perform, MetroNorth continued in its practices "thereby creating an unreasonably unsafe work environment. MetroNorth filed a motion for summary judgment, asserting that the plaintiff's claims were time barred because plaintiff knew of his injuries more than three years prior to commencing this action.

**Issue:**

What is the standard for tolling the statute of limitations under the FELA when the claimant asserts that his injuries occurred as a result of continuous trauma? And did the court dismiss the case on summary judgment?

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

- *Statute of Limitations*

**Held:**

No. The court denied defendant's motion for summary judgment, holding that there was a genuine issue of material fact as to whether the plaintiff knew or should have known that his injuries were work related at least three years before commencing this FELA suit. FELA's three-year statute of limitations begins to run when the plaintiff in the exercise of reasonable diligence knows both the existence and the cause of his injuries. Under this rule, a plaintiff is considered to be on notice when he knows or should have known that his injury is merely work related. The court concluded that there was nothing in the record to indicate that a reasonable layperson should have known that his injuries were work related before the three-year period because none of the multiple doctors reports or other evidence from that time indicated that his injuries were work related.

**Comments:**

FELA's three-year statute of limitations begins to run when the plaintiff in the exercise of

reasonable diligence knows both the existence and the cause of his injuries.