

Case Name: Wells v. CSX Transportation Inc.

Date Decided: September 17th, 2010

Originally Filed in: Ohio (federal)

Decided by: (Federal)

Court: S.D. Ohio.

Judge: Spiegel

Citation: 2010 WL 3703711

Background:

Plaintiff brought this action against his employer, CSX, pursuant to the FELA for negligently providing an unsafe workplace resulting in the plaintiff's injury. Plaintiff claims defendant failed to provide a safe work place and violated FELA after plaintiff tripped at the unlit juncture of two locomotive platforms, when the one which he was walking to was six inches higher than that form which he was coming. Plaintiff alleges this negligence was a violation of the Locomotive Inspection Act (LIA). Defendant filed a motion for summary judgment, alleging that defendant was not negligent because it could not have anticipated plaintiff would have tripped as he walked between two platforms. Essentially, defendant contended that it could not be charged with negligence for failing to anticipate plaintiff's own negligence.

Issue:

Is it reasonable to conclude that a poorly lit passageway of misaligned platforms could constitute an unnecessary peril to life or limb in violation of the LIA, and therefore preserve a FELA case beyond a motion for summary judgment?

Overall Issues Discussed or Touched Upon in this Case:

- *Insufficient Evidence of Negligence*
- *Summary Judgment - Defendant Legal Denied*
- *Locomotive Inspection Act*

Held:

Yes. The court denied the defendants motion for summary judgment. The court found that a reasonable jury could find that a poorly lit passageway of misaligned platforms could constitute an unnecessary peril to life or limb in violation of the LIA, and therefore such a violation would constitute negligence per se. Lastly, the court re-asserted the Supreme Court's standard of employer negligence under the FELA, "The court further agrees that a finding of negligence is supported if there is any evidence hat the railroad's negligence played any part, even the slightest, in producing the injury. (Internal quotation marks omitted).

Comments:

A reasonable jury could find that a poorly lit passageway of misaligned platforms could

constitute an unnecessary peril to life or limb in violation of the LIA.