

Case Name: Taylor v. Union Pacific Railroad Co.
Date Decided: September 16th, 2010
Originally Filed in: Illinois (federal)
Decided by: Illinois Southern District Court (Federal)
Court: S.D.Ill.
Judge: Murphy
Citation: 2010 WL 3724283

Background:

Plaintiff, a locomotive engineer, brought this suit against his employer under FELA and the LIA. Plaintiff alleged he sustained injuries as a result of being exposed to sulfuric acid fumes from a defective, overheating locomotive battery. Defendant, Union Pacific Railroad (UP), filed a motion for summary judgment, asserting that plaintiff has no competent expert evidence showing that his pulmonary illness is a result of exposure to sulfuric acid fumes aboard the train and that he has no evidence showing that he was exposed to a dangerously high amount of such fumes aboard the train.

Issue:

Is defendant entitled to summary judgment? In other words, what is the standard for bringing a claim based on chemical exposure past the summary judgment phase, and did the plaintiff satisfy it?

Overall Issues Discussed or Touched Upon in this Case:

- *Daubert Ruling*
- *Locomotive Inspection Act*

Held:

The court denied defendant's motion for summary judgment. The court referenced the Manual on Scientific Evidence 419 from the Federal Judicial Center for the appropriate legal standard for causation and the admissibility of experts to prove it. "First, the expert should analyze whether the disease can be related to chemical exposure by a biologically plausible theory. Second, the expert should examine if the plaintiff was exposed to the chemical in a manner that can lead to absorption into the body. Third, the expert should offer an opinion as to whether the dose to which the plaintiff was exposed is sufficient to cause the disease." The court concluded that all of the plaintiff's experts satisfied the aforementioned standard. The court reasoned that the following methods satisfied the those legal standards: (1) medical experts were permitted to evaluate the medical records of other crew members after the incident "even though there existed absolutely no on-site air monitoring equipment aboard the train when the incident occurred, (2) medical experts performed "Differential diagnosis" which is merely another way of saying that the experts deduced the cause of the disease by

process of elimination, and (3) reliance on published scientific reports regarding the nature of the disease suffered by the plaintiff and its likely causes.

Comments:

Negligence premised on the exposure of chemicals can be substantiated by expert testimony, which relies on a method of evaluating the physical ailments of others who were allegedly exposed, and as well by the method of deducing what is the likely cause of an illness.