

Case Name: Arthur J. Lyman v. CSX Transportation
Date Decided: February 8th, 2010
Originally Filed in: New York (Federal)
Decided by: U.S. Court of Appeals, Second Circuit (Federal)
Court: United States Court of Appeals, Second Circuit
Judge: Judge Calabresi, Judge Raggi, Judge Cudahy
Citation: 2010 WL 445613 (C.A.2 (N.Y.))

Background:

Plaintiff, Aruthur J. Lyman, brought this appeal after the district court granted summary judgment, in favor of CSX Transportation for Lyman's FELA claim. Lyman contended that CSX failed to provide a reasonably safe place to work when he was injured by a license plate holder attached to a truck. Moreover, Lyman contended that the vehicle, owned by CSX, was "over-restrained" because it inched forward when Lyman removed the chock straps securing it and it was too dark for him to see the license plate holder.

Issue:

Did the lower court correctly grant summary judgment in favor of CSX Transportation?

Overall Issues Discussed or Touched Upon in this Case:

- *Ruling on Summary Judgment*
- *Insufficient Evidence of Negligence*

Held:

Lyman alleged that CSX was negligent because it failed to inspect the vehicle or warn employees of the risks presented by license plate holders such as the one on which Lyman bruised his knee. Here, however, Lyman failed to present evidence indicating that CSX knew or should have known that license plate holders posed a risk to workers or even the one attached to the vehicle in question. As far as failure to warn about the license plate, this Court affirmed the granting of summary judgment. Second, Lyman contended that the workplace was unsafe because it was too dark for him to see the license holder and that it was "over-restrained" such that it inched forward when Lyman removed chock straps. However, the Court found that Lyman failed to introduce sufficient evidence to create any genuine issues of material fact whether CSX was negligent in creating an unsafe workplace. Accordingly, this Court affirmed the lower court's granting of summary judgment.

Comments:

In order to find that a railroad employer, under FELA, did not exercise reasonable care in providing a safe workplace, the court examines whether a particular danger was foreseeable. *If the plaintiff cannot show that his/her employer had actual knowledge or should have known*

of a condition, then the FELA claim will not usually be successful.

Steve Gordon