

Case Name: Freitick v. SMS Rail Lines
Date Decided: September 17th, 2010
Originally Filed in: Pennsylvania (federal)
Decided by: Pennsylvania Eastern District Court (Federal)
Court: E.D.Pa.
Judge: Rufe
Citation: 2010 WL 3656039

Background:

Plaintiff, a railroad worker, brought this action against his employer, SMS Rail Lines ("SMS"), pursuant to the Federal Employer's Liability Act (FELA), 45 U.S.C. Â§ 51 *et seq.* to recover damages allegedly caused when he suffered a severe hand laceration when a railroad tie flew up and struck him while he was working on the rail line. Plaintiff was injured while in the process of setting the track when a steel spike "shot out of the tie." Plaintiff alleged that SMS was negligent because SMS never officially trained him pursuant to their own safety guidelines. Plaintiff alleged that had he been aware that he was required to wear protective gloves, he would have in fact so worn them and he may not have sustained his injuries. Plaintiff argues that "despite the potential danger associated with manually setting spikes, SMS Rail Lines never clearly informed or trained the Plaintiff to wear work gloves at all times." Defendant, SMS, filed a motion for summary judgment. Defendant alleged that the plaintiff was solely at fault because the injury was purportedly caused by plaintiff's own swinging motion and lack of care.

Issue:

Is a motion for summary judgment proper, in a FELA case, when the plaintiff alleges that the sole negligence of the defendant rests on a theory that the employer did not properly train the plaintiff to wear gloves as a safety precaution?

Overall Issues Discussed or Touched Upon in this Case:

- *Ruling on Summary Judgment*
- *Summary Judgment - Defendant Factual Denied*

Held:

No, the court denied the defendant's motion for summary judgment because the parties contested the material issue of whether Defendant provided sufficient training, warnings, supervision, or enforcement to its employees that could have prevented the severity of Plaintiff's injuries, which goes to the heart of Plaintiff's claims.

Comments:

The issue of whether a Defendant provided sufficient training, warnings, supervision, or

enforcement to its employees that could have prevented the severity of Plaintiff's injuries is sufficient to defeat the Defendant's motion for summary judgment.