

**Case Name:** Myers v Illinois Central Railroad Co  
**Date Decided:** December 15th, 2010  
**Originally Filed in:** Illinois (federal)  
**Decided by:** Illinois Central District Court (Federal)  
**Court:** 7th Cir.  
**Judge:** Manion  
**Citation:** 629 F.3d 639 (7th Cir. 2010)

**Background:**

Plaintiff, a railroad conductor, brought this suit against his employer, Illinois Central Railroad Co. ("ICCR"), pursuant to the Federal Employers' Liability Act ("FELA"). Plaintiff alleged that he suffers from cumulative trauma as a result of dangerous work conditions that existed over a long career with the defendant. Plaintiff alleges this unsafe work environment was the cause of his injuries and was the result of employer negligence. Plaintiff offered the following experts to prove causation: an ergonomist, and three treating physicians. The district court barred the experts' reports and granted summary judgment for the Defendant. Specifically, the district court struck the expert testimony and reports because none of the experts' opinions was based on reliable procedures or methods. The court reasoned that the experts did not have an adequate understanding of the Plaintiff's medical history or his work with the Defendant to give an opinion about what caused his injuries. Concerning the ergonomist, the court found that his opinion was not reliable because his analysis of railroad conditions was not focused on the Plaintiff's work there.

**Issue:**

Did the district court error when it struck the expert testimony and reports in this cumulative trauma case? Under FELA, what is the standard for admitting experts to prove the element of causation pursuant to Daubert?

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

- *Expert Witness- Daubert Issues*
- *Summary Judgment - Defendant Factual Granted*
- *Daubert Ruling*

**Held:**

No, the Seventh Circuit affirmed the district court's ruling. The court found that each doctor merely diagnosed the Plaintiff's injuries, and then subsequently opined that the Plaintiff's work environment was the cause of his injuries. The court noted, "they did not rule in any causes of [the Plaintiff's] ailment, nor did they rule out anything. The court found that "the law demands more than a causal diagnosis that a doctor may offer a friend or acquaintance outside the office about what could be causing his aches and pains."

**Comments:**

In a FELA case where the Plaintiff is asserting injuries as a result of cumulative trauma, an expert physician's report or an experts physician's testimony, used to prove causation, must (1) have some knowledge of the plaintiff's work and medical history, and (2) must "rule in" and "rule out" potential causes of the injury, if the expert relies on using a differential etiology method.