

**Case Name:** Jesse A. Fielden v CSX Transportation

**Date Decided:** August 26th, 2009

**Originally Filed in:** ()

**Decided by:** (State)

**Court:** U.S.D.C. Southern District of Ohio

**Judge:** Judge Graham

**Citation:** 2009 WL 2824459 (S.D. Ohio)

**Background:**

Plaintiff, Jesse A. Fielden, filed a complaint under the Federal Employers' Liability Act ("FELA") alleging that defendant, CSX Transportation ("CSX") was negligent by failing to provide him with a reasonably safe place within which to work and he was injured as a result. CSX moved for summary judgment contending that plaintiff failed to comply with FELA's three-year statute of limitations and failed to present evidence sufficient to establish negligence

**Issue:**

Did the Court grant CSX's motion for summary judgment?

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

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**Held:**

CSX asserted that (1) Fielden failed to comply with the three-year statute of limitations and (2) that plaintiffs failed to present sufficient evidence to establish the elements of negligence. The Court held that Fielden introduced evidence to reasonably indicate that he filed within the period of time prescribed by the applicable statute of limitations. The Court found that, although Fielden had a pre-existing condition, that the pain experienced in Fielden's hand was a result of a new and separate injury to his hands. Moreover Fielden experienced the pain of a new injury on or after July 2001. CSX also contended that the jury verdict was against the weight of the evidence as it related to the jury's findings of the FELA statute of limitations and negligence. A motion for a new trial should be denied if the verdict is one which could reasonably have been reached. CSX pointed out the fact that the plaintiff experienced symptoms in his hands prior to October 29, 2000 (3 years before the lawsuit). This Court found that it was not unreasonable, or against the weight of the evidence, for the jury to conclude that Fielden sustained new and separate injuries when he was assigned to operate a plate jack machine. Also, Fielden's physicians testified that his carpal tunnel was work-aggravated. Accordingly this Court denied CSX's motion to reconsider its original summary judgment and motion for a new trial

**Comments:**

Under a FELA claim, when a plaintiff has a pre-existing injury that is aggravated by employer's negligence pursuant to FELA then they will typically introduce evidence that leads a fact finder to believe that the injury was aggravated by the working conditions. Juries will then apportion the damages based upon how much of the injury is attributed to the pre-existing condition and how much is due to an aggravation of the condition. Steve Gordon  
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