

Case Name: Thomas Myers v. Illinois Central Railroad Company

Date Decided: January 7th, 2010

Originally Filed in: ()

Decided by: (State)

Court: U.S.D.C. C.D. Illinois

Judge: Judge McCuskey

Citation: 2010 WL 118746 (C.D.Ill.)

Background:

Railroad conductor, Thomas Myers, brought this action under FELA, Federal Employers Liability Act, and LIA, Locomotive Inspection Act, alleging that Illinois Central Railroad Company's negligence and actions caused multiple cumulative injuries. At issue, are motions filed by Illinois Central to exclude expert testimony presented by Myers at trial.

Issue:

Was Illinois Central in their motion excluding Myer's experts' testimony?

Overall Issues Discussed or Touched Upon in this Case:

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Held:

First expert, Dr. McMullin, believed Myers had degenerative arthritis in his right knee and has diagnosed him with right knee osteoarthritis. Myers advised McMullin his right knee pain was related to chronic work activity, McMullin however, could not quantify the forces Myers's knees would have been subjected to while working for the railroad but he believed there were increased forces due to the type of railroad work Myers performed. McMullin also admitted he was not an expert in ergonomics, and upon discovering damage to joint surfaces, McMullin admitted that there was no way to tell how long that condition had existed. Another expert, Dr. Haueisen, testified to the condition of Myers' left elbow. Haueisen is a board certified orthopedic surgeon who specializes in treating the upper extremities, has authored or co-authored several publications and papers. Haueisen treated Myers for numbness and tingling and discussed his work duties with Dr. Haueisen. Dr. Haueisen had a good understanding of what brakemen/switchmen employees did and has seen video of their work. Haueisen performed surgery on Myers's elbow and testified that Myers's work environment and tasks contributed to the development of his injuries. Haueisen reached this opinion although Myers failed to tell him he associated his pain with any particular work activity. Dr. Schoedinger treated Myers's lumbar spine defects with surgery. Schoedinger has provided medical treatment to 1000s of railroad employees including brakemen and conductors. Schoedinger believed Myers's spine injuries were attributable to his long standing work history with the railroad which has caused significant stresses on his back. Schoedinger however, did

not review any of Myers's past medical records. The Court then decided whether these experts' testimony would be admitted or not. The defendant focuses on Campbell v. CSX Transportation. In Campbell, Dr. Scheodinger failed to conduct an inquiry into the plaintiff's actual work nor did he observe the location where the plaintiff worked. In Campbell the Dr. made assumptions about the plaintiff's work and activities. Here, the Court found that the doctors did not know any specifics about Myers's job duties and they didn't even attempt to quantify the physical requirements of those jobs. The doctors did not know the forces involved in any of Myers's work activities or the forces required to cause any of Myers's injuries. Accordingly, because Myers was counting on the medical testimony to establish causation, this Court granted Illinois Central's motion for summary judgment.

Comments:

In order to determine causation between plaintiff's injury and employer's negligence the plaintiff has to show some kind of medical testimony linking the injuries to his work duties. Here, the medical experts testified, assuming, that plaintiff's work duties caused his injuries because they were familiar with the general practices of employees similar to the plaintiff's. This Court found however, that because they failed to examine plaintiff's specific work conditions and duties, they could not reasonably conclude his employment caused his injuries.
Steve Gordon