

Case Name: Daniel Bruno v. Metropolitan Transportation Authority
Date Decided: August 19th, 2009
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 Parker Judge Raggi
Citation: 2009 WL 2524009 (C.A.2 (N.Y.))

Background:

Plaintiff, Daniel Bruno ("Bruno") appealed following the dismissal of two claims, brought under the Federal Employers' Liability Act ("FELA"), against Metropolitan Transportation Authority ("MTA"). The United States District Court for the Southern District of New York dismissed his first claims on the ground of failure to state a claim and second claim because the three year statute of limitations had expired.

Issue:

Did the lower court err in dismissing Bruno's claim against the MTA?

Overall Issues Discussed or Touched Upon in this Case:

- *Statute of Limitations*
- *Ruling on Summary Judgment*
- *Procedural Issues - Federal*

Held:

Bruno first claimed that he suffered "severe and disabling injuries" as a result of MTA's policy requiring its employees, not on active work status, to remain at home during working hours, unless they receive a "no work" release. Under FELA, any railroad engaging in interstate commerce "shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce... for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier."

This Court found Bruno's claim to be implausible on its face because it failed to allege that MTA had any duty to grant his "no work" status or that a failure to grant a "no work" status played any part in Bruno's injuries.

Bruno's second claim alleged that he sustained "severe and disabling injuries" because MTA was negligent in assigning him to work near the World Trade Center on or prior to September 13, 2001. This Court held that Bruno was precluded from bringing this claim because of a general release he signed in connection with a previous lawsuit and unless he pleads fraud, the claim was barred by the release. Bruno conceded that he did not plead fraud and accordingly, this Court affirmed the dismissal of the second action.

Comments:

In order to file suit under FELA the plaintiff must be able to show that (1) the employer railroad was negligent and (2) as a result of employer's negligence, the plaintiff was injured, no matter how small a role the negligence played in the injury. If an employee fails to state a claim in which relief can be granted, as in the present case, the Court will dismiss the action and may award costs to the defendant.

I must say that this is a very odd case in that it seems that the plaintiff was arguing he was injured because he had to stay home. Thank goodness this case does not have much precedential value since I do not know many lawyers that would have filed this claim from the "get go". There is a saying in the law that "bad facts make bad law". This saying applies here.

Steve Gordon