

Case Name: Stanley Wilson v. BNSF Railway Company and Anthony Livestock Trucking, LLC, et al.

Date Decided: September 11th, 2009

Originally Filed in: ()

Decided by: (State)

Court: Court of Appeals of Kansas

Judge: Judge McAnany, Judge Elliot, and Judge Caplinger

Citation: 2009 WL 2948656 (Kan.App.)

Background:

Stanley Wilson ("Wilson") appealed a jury's decision on his damages claim following a bifurcated trial on that issue. Wilson alleged that the trial court erred in bifurcating the damages and liability issues and in ordering that the damages be tried first. Moreover, Wilson contended the jury's verdict was contrary to the evidence. Two defendants, Anthony Livestock Trucking LLC ("Livestock") and Kenneth Campbell ("Campbell") cross-appealed from the trial court's denial of their motion to change venue. On October 6, 2005 Wilson was employed by BNSF Railway Company. Wilson was driving a locomotive, called and obtained clearance from a BNSF maintenance-of-way crew working in the railroad crossing area. As the locomotive approached the crossing, Wilson noticed the crew and a tractor trailer on the tracks and immediately braced for impact. The train collided with the trailer portion of the tractor-trailer. Wilson alleged multiple injuries and sought damages under the Federal Employers' Liability Act ("FELA") based on the negligence of BSNF and its maintenance-of-way crew. Moreover, Wilson sought damages from the owner of the semi-tractor-trailer, Livestock, and its driver, Campbell. (Collectively Anthony) Anthony, at a hearing before the trial court, argued that the case involved two distinct legal claims (1) the FELA claim against BNSF and the (2) common-law claim against Anthony. Ultimately the trial court ordered separate trials on liability and damages, with the damages segment to be tried first. At the close of the damages trial the jury found Wilson's injuries were not cause by the collision and not entitled to damages. Wilson appealed arguing that the trial court abused its discretion in ordering bifurcation and that the jury's verdict was contrary to the evidence. Anthony cross-appealed the denial of its motion to change venue.

Issue:

Did the trial court abuse its discretion ordering bifurcation and was the jury's verdict contrary to the evidence?

Overall Issues Discussed or Touched Upon in this Case:

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Held:

Under State procedure law, a trial will be bifurcated when it can be shown the failure to do so would avoid prejudice, further convenience, and expeditious to judicial economy. The trial court judge has the discretion to do so following these parameters. Wilson asserted that the bifurcation of his action was an abuse of discretion. First Wilson argued that the bifurcation decision caused him undue prejudice because it was "hastily" and "covertly" made and he was given less than a day to adjust. However, the court was clear in pointing out to Wilson that it would be very liberal in allowing him to present liability evidence during the damages phase of the trial. Moreover, the court gave Wilson plenty of notice. Second, Wilson argued that he was prejudiced by the court's decision because the trial format preventing him from presenting a complete account of the manner in which he was injured. However, Wilson failed to present any kind of causation or damages evidence he was unable to present because of the way it was tried. Third, Wilson argued that the bifurcation diminished his substantive right to a trial by jury on his FELA claim. Wilson generally asserted that because the jury was not presented with the negligence issue it was unable to reach a "just" result under FELA. However, the jury was properly instructed. This Court held because a properly instructed jury determined Wilson failed to establish causation, the lack of a jury determination on the issue of liability did not deny Wilson his substantive rights under FELA. Wilson also argued that the jury verdict was contrary to the evidence presented and accordingly this Court should reverse judgment. Wilson alleged permanent injuries as a result of his collision. However, Wilson also did not dispute that he had several preexisting medical conditions at the time of the collision. Also, Wilson's testimony regarding the impact was inconsistent in several significant respects. On one hand, Wilson testified he was "thrown around in the seat" but later said he merely "moved forward and backward". Wilson did manage to introduce testimony that established aggravated injuries as a result of the collision. However, in light of Wilson's highly inconsistent testimony, this Court held that the jury's verdict was not contrary to the evidence provided. Accordingly this Court affirmed the judgment in favor of the defendants.

Comments:

The burden an appellant has to reverse a jury verdict is a high one. To overturn a jury verdict on appeal the appellant must show that the jury arbitrarily disregarded the undisputed evidence. Moreover, this case would have required the Appellate Court to reevaluate the credibility of witnesses a task not within the purview of the limited standard of review. Steve Gordon <http://www.Gordon-Elias.com>