

Case Name: Robert Granfield v. CSX Transportation Inc.
Date Decided: March 12th, 2010
Originally Filed in: New York (Federal)
Decided by: U.S. Court of Appeals, First Circuit (Federal)
Court: U.S. Court of Appeals, First Circuit
Judge: Judge Torruella
Citation: 2010 WL 850187 (C.A.1 (Mass.))

Background:

Plaintiff, Robert Granfield, brought this action under [FELA](#) against defendant and employer CSX Transportation. Granfield alleged that CSX required him to operate locomotives with defective equipment causing him to suffer "tennis" elbow and that CSX's failure to maintain their [locomotives](#) violated FELA, and the LIA (Locomotive Inspection Act). A jury awarded \$250,000 to Granfield and the trial court denied CSX's motion for a judgment as a matter of law and for a new trial. Granfield was a railroad worker for over 30 years and was required to operate on a particular series of locomotives. Granfield claimed that alerter buttons and throttles were defective and caused his injuries. Specifically, Granfield alleged he had to constantly "jiggle" the throttle handle back and forth until the desired speed was achieved. Granfield also contended the alerter button sounded too frequently causing him to push the button more than would normally be required. The location of the button was sometimes inconvenient and they often had to be "smacked" in order to deactivate. Granfield claimed he began to begin feeling elbow pain in April 2003 and visited a Dr. in May 2003, Dr. Chakraborty, a cardiologist who had treated Granfield for a past condition. His Dr. noticed inflammation and testified he did not know what was causing it and referred him to Dr. Spector, an orthopedic surgeon. In July 2003, Granfield visited Dr. Spector and complained he had been experiencing symptoms for 8 months, which is inconsistent with Granfield's testimony. Dr. Spector diagnosed Granfield with tennis elbow to which he attributed to the constant repetitive back and forth motion required to move the throttle. In January 2005 Dr. Spector diagnosed Granfield with tennis elbow of both elbows, and recommended that he should not continue working. Granfield finally filed this action against CSX in June 2006. CSX filed a motion for summary judgment arguing that Granfield's claim was time-barred by the 3-year statute of limitations. The court denied CSX's motion and a jury awarded Granfield damages in the amount of \$250,000. CSX appealed arguing that the district court erred in (1) not dismissing the case under the FELA statute of limitations (2) Allowing Granfield's medical expert witness to testify on causation (3) admitting a letter containing irrelevant and prejudicial statements (4) refusing to grant a new trial and (5) denial of its motions for a new trial or judgment notwithstanding the verdict.

Issue:

Did this Court find that the district court erred in determining Granfield's motion was not time-barred by the FELA statute of limitations and in ruling on various evidentiary motions?

Overall Issues Discussed or Touched Upon in this Case:

- *Reduction of Damages*
- *Statute of Limitations*
- *Expert Witness- Daubert Issues*
- *Ruling on Summary Judgment*
- *Insufficient Evidence of Damages*

Held:

This Court reviewed the district court's denial of CSX's judgment as a matter of law, *de novo*. This Court stated it would not reverse the motion unless it finds that no reasonable persons could have reached the conclusion reached by the jury. CSX contended that Granfield had the burden of proving that his suit was filed in compliance with the FELA statute of limitations and that he failed to do so. The evidence established that prior to July 2003, Granfield complained of pain in his left elbow but that the record is unclear as to what the symptoms were and whether it should have led Granfield to believe he was "injured". It wasn't until the July 2003 visit with Dr. Spector that Granfield connected his injury to his work and because he filed his complaint in June 2006, he just made it under the limitations period of three years. CSX also argued that Dr. Spector's opinion, connecting Granfield's injury to his work, was not based on sufficient facts or data, or on a reliable scientific methodology and therefore, his opinion is inadmissible. This Court found that CSX failed to show that the trial court erred in admitting Dr. Spector's testimony. Dr. Spector was an orthopedic surgeon specializing in repetitive stress injuries and accordingly, was qualified to testify on Granfield's injury. Also, Dr. Spector's opinion was formulated before litigation was contemplated. Also, CSX argued it was unfairly prejudiced by the trial court's admission of a letter, written by the General Chairman of the Brotherhood of Locomotive Engineers (BLE), that provided a comprehensive study on reports filed by engineers including complaints about the kind of locomotive that Granfield worked on. This Court found that the letter as properly admitted into evidence. The judge did not allow the letter to be read aloud but did allow Granfield's counsel to ask the Chairmen questions what the letter said. Roberts, the Chairman, stated that the locomotives provided a risk of serious injury for various defects. This Court recognized that the letter was never given to the jury and not read aloud and because it was used to refresh the witnesses recollection, was ok. Finally, CSX objected to a statement made by Granfield's counsel, stating no witness other than a Mr. Flynn said "no other engineers have "tennis elbow". However, CSX pointed out this was not true because another witness testified to the same effect. However, this Court found that the district court judge made proper curative statements to counteract any potentially misleading testimony and therefore, it was not improper to deny CSX's motion. This Court affirmed the rulings of the trial court.

Comments:

At issue here was the FELA 3-year statute of limitations. The statute of limitations issue

is a simple issue if the employee suffers an injury from a single event, eg: struck by locomotive, equipment etc.. However, when the injury results from cumulative exposure the courts apply the "discovery rule" in determining when the statute of limitations begins ticking. A cause of action accrues, under the discovery rule, "only when the accumulated effects of the deleterious substances manifest themselves. In English, when the plaintiff has reason to know his/her particular injury/condition is a result of repetitive exposure during the course of his employment, only then will the time begin ticking. Steve Gordon