

Case Name: Ronald E. Robinson v. BNSF Railway Company

Date Decided: March 30th, 2010

Originally Filed in: Oklahoma (Federal)

Decided by: Oklahoma Eastern Bankruptcy Court (Federal)

Court: U.S.D.C. Eastern District of Oklahoma

Judge: Judge Shreder

Citation: 2010 WL 1333146 (E.D.Okla.)

Background:

Plaintiff, Ronald E. Robinson, brought this action against employer, BSNF Railway, pursuant to the Locomotive Inspection Act, LIA, and the Federal Employer Liability Act, [FELA](#). Robinson alleged that he injured his back over an extended period while working for [BSNF](#) as a road conductor and BSNF contended that Robinson's claims are barred by the statute of limitations. The pertinent facts are as follows. Robinson worked for over 38 years, and as a road conductor, he was exposed to constant train movement. Robinson quit working because of injuries to his back, spine, hips, and lower legs. Robinson alleged that these injuries occurred over time and were caused by poor seats, track conditions, ballasts, and equipment maintenance. Robinson first complained of neck and back pain in 1999, February. In 2003, Robinson was examined by his doctor who discussed Robinson's activity at the railroad. In September of 2005, Robinson's doctor noted that Robinson was "tired of his job of 36 years with the railroad". The doctor discussed Robinson's complaints of "chronic muscular tension, particularly of the neck and back" and its relation "to his many years of working at the railroad". Robinson testified that his neck and back pain became constant beginning in 2006, but that he was unaware his injuries were related to his work at BNSF until 2008, when he was diagnosed with disc herniations. BNSF filed for summary judgment.

Issue:

Did this Court grant defendant's motion for summary judgment and find that plaintiff's claim was time barred under the FELA statute of limitations provision?

Overall Issues Discussed or Touched Upon in this Case:

- *Statute of Limitations*
- *Ruling on Summary Judgment*

Held:

BNSF argued that it was entitled to summary judgment on Robinson's claims under the LIA and FELA because they are barred by the statute of limitations. Under both the LIA/FELA the statute of limitations is (3) years. BNSF contended that Robinson *knew or should have known* his injuries were job-related prior to August 28, 2005. Robinson countered and argued that he did not actually know his injuries were work-related until his doctor diagnosed him with disc

herniations and specifically related them to his railroad job in August 2008. However, this Court found that Robinson had a duty to investigate possible causes of his neck and back pain before receiving his diagnosis from his doctor. This Court ultimately found that Robinson *reasonably knew or should have known* that his neck and back pain were work-related more than three years before he filed this lawsuit. Therefore, this Court ruled in favor of BNSF's motion and found that Robinson's claims were barred by FELA's statute of limitations.

Comments:

Integral to this action was the "discovery rule". The discovery rule applies if an injured railroad worker cannot reasonably determine the exact time an injury occurs. That is, the statute of limitation begins to run when the plaintiff knows or has reason to know of a connection between his injury and his employment. A FELA claim accrues when the plaintiff knows or should know his injury is merely work-related Steve Gordon