

**Case Name:** Nizio v. CSX Transportation, Inc.  
**Date Decided:** October 21st, 2010  
**Originally Filed in:** Ohio (federal)  
**Decided by:** Ohio Northern District Court (Federal)  
**Court:** N.D. Ohio  
**Judge:** Katz  
**Citation:** 2010 WL 4255953

**Background:**

Plaintiff, a train conductor, brought this FELA action against his employer, CSX Transportation ("CSX") for injuries that allegedly occurred over a long period of time; which eventually manifested into carpal tunnel syndrome for the plaintiff. Plaintiff alleged that CSX was negligent over a course of years because CSX failed to provide him with adequate tools, manpower, and a comprehensive safety program to prevent or reduce the risk of carpal tunnel syndrome. Plaintiff alleges this negligence caused his carpal tunnel syndrome. CSX filed this motion for summary judgment. Plaintiff alleged during the time he worked as a yard conductor, that two or fewer workers were assigned to perform his similar duties. In addition, plaintiff alleged that he made multiple complaints over the course of time when his injuries were developing. In contrast, the defendant alleged more workers were assigned to perform the mentioned duties. With respect to the need for a safety program, the defendant stated that there was no need for a safety program because a carpal tunnel problem does not exist.

**Issue:**

Is summary judgment proper when a plaintiff, in a FELA case, asserts that his employer's refusal, over a number of years, to provide him with sufficient manpower, tools, and a comprehensive safety program caused him to be inflicted with carpal tunnel syndrome?

**Overall Issues Discussed or Touched Upon in this Case:**

- *Procedural Issues - Federal*
- *Summary Judgment - Defendant Factual Denied*
- *Cumulative Trauma Case*

**Held:**

No, the court held that summary judgment was not proper in this case because there was a genuine issue of material fact as to one or more of the elements of plaintiff's prima facie case. For example, the plaintiff and CSX disagreed as to how many employees were assigned to the aforementioned duties. In addition, CSX's internal records indicated that they previously hired an outside consultant to ascertain the susceptibility of railroad related duties to carpal tunnel syndrome. The court found that "this knowledge is sufficient to raise a genuine issue of material fact as to CSX's negligence."

**Comments:**

Evidence that implicates a defendant's knowledge that workplace conditions may be the cause of long-term employee disability is sufficient to satisfy a challenge of summary judgment in a FELA case.