

Case Name: Brooks v. Union Pacific Railroad Co.
Date Decided: September 3rd, 2010
Originally Filed in: Arkansas ()
Decided by: Arkansas Eastern District Court (Federal)
Court: 8th Cir.
Judge: Smith
Citation: 620 F.3d 896 (8 Cir. 2010)

Background:

Plaintiff, a railroad worker, brought this action against his employer, Union Pacific Railroad ("Union Pacific"), pursuant to the Federal Employer's Liability Act (FELA), 45 U.S.C. Â§ 51 *et seq.* to recover damages allegedly caused when he suffered an acute, traumatic lower back injury while working underneath a locomotive at an area of the Union Pacific yard. Plaintiff allegedly suffered a ruptured disc in his back. Union Pacific filed a motion for summary judgment, alleging that the plaintiff was unable to prove causation because he failed to comply with the requirements of Rule 26(a)(2), requiring the disclosure of expert witnesses. Plaintiff argued that the doctor who was testifying on his behalf was properly listed as a witness. The district court approved summary judgment, holding that FELA required the use of expert witnesses to prove causation of an injury, which was non-obvious.

Issue:

Is the plaintiff's failure to disclose an expert witness a sufficient ground to dismiss a FELA claim when the injury complained of does not have an obvious point of origin?

Overall Issues Discussed or Touched Upon in this Case:

- *Procedural Issues - Federal*
- *Insufficient Evidence of Negligence*
- *Ruling on Summary Judgment*
- *Summary Judgment - Defendant Legal Granted*

Held:

Yes, the court affirmed the trial court's decision, holding that the plaintiff's failure to disclose his expert witnesses in accordance with Rule 26(a)(2) was fatal to proving the causation element under the FELA when the origin of the injury is not obvious. In FELA cases, expert evidence is often required to establish a causal connection between the accident and some item of physical or mental injury unless the connection is a kind that would be obvious to laymen, such as a broken leg from being struck by an automobile. Here, the appellate found that the district court properly excluded the plaintiff's doctor's causation opinion because the plaintiff failed to comply with the requirements of Rule 26(a)(2).

Comments:

A plaintiff's failure to disclose his expert witnesses in accordance with Rule 26(a)(2) can be fatal to proving the causation element under the FELA when the origin of the injury is not obvious.