

Case Name: Parson v. CSX Transportation, Inc.
Date Decided: May 27th, 2010
Originally Filed in: Ohio (federal)
Decided by: Ohio Northern District Court (Federal)
Court: N.D. Ohio
Judge: Carr
Citation: 714 F.Supp. 2d 839 (N.D. Ohio 2010)

Background:

This is a case under the Federal Employers' Liability Act (FELA), 45 U.S.C. Â§ 51 *et seq.* The Plaintiff claimed to have suffered knee injuries as a result of uneven surface conditions in the areas where she worked for the defendant, CSX Transportation (CSX). Specifically, plaintiff's job required her to walk on the ballast (rock) along the sides of the railroad tracks. Plaintiff alleges that the ballast was lumpy, uneven, and narrow, and that she had to "put one foot in front of the other in order to not twist yourself." Plaintiff alleged that the uneven surface was often caused by water, mud, and holes underneath the ballast, and the ballast was negligently applied over the unsafe terrain. Defendant brought a motion for summary judgment, alleging that the plaintiff provided no proof that CSX was negligent, and that one of the plaintiff's injuries was barred by the statute of limitations.

Issue:

Is summary judgment proper, in a FELA case, when the plaintiff asserts that she was injured due to unevenly applied ballast over workplace walking areas caused her injuries?

Overall Issues Discussed or Touched Upon in this Case:

- *Insufficient Evidence of Negligence*
- *Summary Judgment - Defendant Factual Denied*
- *Statute of Limitations*

Held:

No, the court denied the defendant's motion for summary judgment. The Court found that the plaintiff submitted evidence (of her own observations) that she encountered unreasonably uneven walking conditions. Plaintiff did provide specific evidence that there was debris between the rails and water and mud in the yard, and when the defendant put ballast down, it did not smooth out the ground underneath or fill in the holes. The court contrasted this evidence with an assertion that the conditions she was confronted with were merely "part of the work" environment for which an employer is not expected to correct.

Comments:

A plaintiff may survive a motion for summary judgment, in a FELA case, when she provides

evidence that uneven ballast created an unreasonably dangerous work condition.