Case Name: Tootle v. CSX Transportation, Inc.
Date Decided: September 3rd, 2010
Originally Filed in: Georgia (federal)
Decided by: Georgia Southern District Court (Federal)
Court: S.D.Ga.
Judge: Wood
Citation: 2010 WL 4269119 (S.D.Ga.)

Background:

Plaintiff, a railroad worker, brought this action against her employer, CSX Transportation (CSX), pursuant to the Federal Employers' Liability Act (FELA), 45 U.S.C. Â§ 51 *et seq.* Plaintiff was employed as a utility worker, where one of her primary duties was to clean the locomotives. Plaintiff's job required her to raise her hands above her head for periods of time lasting up to 15 minutes. Plaintiff soon experienced shoulder pain and underwent a series of shoulder surgeries throughout a ten-year period. Plaintiff's specific allegations of negligence include CSX's failure to provide her with adequate equipment and assistance to safely perform the duties required of her position, as well as the railroad's failure to warn her about the potential dangers of her position. CSX moved for summary judgment on the grounds that Plaintiff did not adduce any evidence that the railroad breached its duty under FELA to provide Plaintiff with a reasonably safe working environment. Plaintiff asserted that the employer could have employed a safer method for performing her job, which would have reduced her injuries.

Issue:

Is summary judgment permitted, in a FELA case, when the plaintiff's only assertion of employer negligence is that she was hurt performing her duties, and that the employer could have employed a safer method for the employee to perform?

Overall Issues Discussed or Touched Upon in this Case:

- *Insufficient Evidence of Negligence*
- *Summary Judgment - Defendant Factual Granted*

Held:

Yes, the court granted the defendant's motion for summary judgment. The court found an absence of evidence on the part of the plaintiff's case to prove that the employer was negligent. The court reasoned that the proper inquiry under the FELA is whether the method prescribed by the employer was reasonably safe, and not whether the employer could have employed a safer alternative method for performing the task. The court concluded, "Here, there is no evidence of negligence or foreseeability. Plaintiff has put forth evidence that she has a shoulder injury, and that her shoulder in- jury is arguably work-related. But no evidence of employer *negligence*-even slight or minimal-was presented."

Comments:

The proper inquiry under the FELA is whether the method prescribed by the employer was reasonably safe, and not whether the employer could have employed a safer alternative method for performing the task.