

Case Name: Mattaliano v. Metro-North Commuter Railroad Co.

Date Decided: October 14th, 2010

Originally Filed in: New York (federal)

Decided by: New York Southern District Court (Federal)

Court: S.D.N.Y.

Judge: Daniels

Citation: 2010 WL 4455826 (S.D.N.Y.)

Background:

Plaintiff, a railroad employee, brought this action against his employer, Metro-North ("Metro"), pursuant to the Federal Employers' Liability Act (FELA) 45 U.S.C. Â§ 51 *et al.* Plaintiff was allegedly injured when he was working as a "Trackman" for Metro. At the time of plaintiff's injury, he suffered an umbilical hernia when he was lifting a hook attached to a crane, an exercise that he apparently had been performing for some time that day. Plaintiff asserted that the hook weighed over 100 lbs, and that the conditions he was required to work in were unsafe. He alleged this unsafe condition was the cause of his medical condition. Plaintiff produced an expert who would testify that the crane used at the time of the incident was not safe for its intended purpose. In addition, Metro's internal policy indicated that two men should lift the hook in tandem, even though the Plaintiff was the only one lifting the hook at the time of the incident. Defendant filed a motion for summary judgment, alleging (1) that it (Metro) did not breach its duty of care, and (2) that the harm to the plaintiff was not foreseeable.

Issue:

(1) In a FELA case, is the defendant entitled to summary judgment when the plaintiff produces an expert who will testify that the equipment used at the time of the incident was unsafe, and, in conjunction with that, that the defendant was not abiding by its own internal safety policy?
(2) Were the plaintiff's injuries not foreseeable merely because no employee has ever been injured before while the same task?

Overall Issues Discussed or Touched Upon in this Case:

- *Summary Judgment - Defendant Factual Denied*
- *Ruling on Summary Judgment*

Held:

No, and No. Here, the Court held that there was a issue of material fact as to whether Metro breached its duty to provide a safe workplace because evidence in the record showed that the equipment used on the day of the incident was unsafe for its intended purpose, and because there was evidence that Metro apparently breached its own safety policy. Lastly, the court reasoned that there was a genuine issue of material fact that the plaintiff's injury was foreseeable because the record indicated that the plaintiff had previously complained of the

hazardous work environment.

Comments:

In the Second Circuit, the negligence standard under the FELA is "substantially relaxed." Evidence indicating the defendant's failure to comply with its internal safety policies is sufficient to defeat a motion for summary judgment even though the defendant can show that despite a long history of non-compliance, no previous injuries had been reported due to the breach.