

Case Name: Collins v. National Railroad Passenger Corp.

Date Decided: December 1st, 2010

Originally Filed in: Maryland (state)

Decided by: Maryland Supreme Court (State)

Court: Maryland Court of Appeals (Highest Court)

Judge: Greene

Citation: 417 Md. 217 (Md. 2010)

Background:

In this FELA Case, the plaintiff, a railroad worker, was killed while working for the defendant. At the time of the accident, Plaintiff was on assignment to take alignment readings of overhead electrical wires on a span of railroad track. Plaintiff was electrocuted. During the trial, the defendant and the decedent's former crew members testified about the decedent's work experience, safety training, and his decision not to invoke Amtrak's right of first refusal policy. Plaintiff's counsel then offered an instruction on the inapplicability of the assumption of risk defense under FELA in order to avoid jury confusion that might prejudice the plaintiff's case. The trial judge denied the proposed jury instruction. After a five-day trial, the jury determined the plaintiff was solely at fault for the injuries resulting in his death. Plaintiff appealed the trial court's decision to omit the requested jury instructions.

Issue:

Did the trial court error when it denied the plaintiff's request to read the proposed jury instructions?

Overall Issues Discussed or Touched Upon in this Case:

- *Procedural Issues - State*

Held:

Yes, the court overturned the trial court's decision and remanded the case for a new trial. Jury instructions regarding the difference between assumption of risk and contributory negligence are required in a FELA case when the evidence implicates that the plaintiff assumed the risks of his employment. In this case, the evidence tended to show decedent's knowledgeable, voluntary encounter a dangerous work condition while he was executing customary duties as a member of his crew. Consequently, the jury may have relieved the defendant of liability by finding that the Decedent was the sole cause of his fatal injury because he assumed the risks involved in performing a dangerous job.

Comments:

It may amount to prejudicial error if a trial judge fails to give a cautionary instruction when evidence of an employee's knowledge of dangerous conditions of employment is before the

jury, where the jury must draw inferences from the facts about the existence of direct or general orders, and where determinations of reasonableness must be made.