

Case Name: Timothy Myers v. Illinois Central Railroad Co.

Date Decided: December 15th, 2010

Originally Filed in: Illinois (federal)

Decided by: Illinois Central District Court (Federal)

Court: United States Court of Appeals, Seventh Circuit

Judge: Judge Manion, Judge Sykes, Judge Hamilton

Citation: 629 F.3d 639

Background:

For thirty years, plaintiff Timothy Meyers ("Meyers") worked in the [railroad industry](#). Meyers held many different jobs including, "[brakeman](#)," "[switchman](#)," and "[conductor](#)," but under each title was required to do physically demanding work. Everyday Meyers was required to jump off slow moving trains, walk miles along large, rocky ballast, and throw heavy switches to change the direction of trains. During his thirty-year career, Meyer suffered multiple injuries to his knees, shoulders, back, ankle, neck and elbows. Many of these required surgery. Between 2004 and 2006, Meyers was diagnosed with a range of [joint diseases](#) and several [herniated disks](#) in his back; all required surgery. In 2008 Meyers filed suit against his employer, defendant Illinois Central Railroad Co. ("The Railroad") under [FELA](#) alleging The Railroad negligently failed to provide him with a safe place to work. Meyers claimed The Railroad's negligence caused his medical problems. Prior to trial, the United States District Court for the Central District of [Illinois](#) excluded the testimony of Meyers' four medical experts. Citing *Daubert*, the District Court held that because none of the experts were familiar with Meyers' medical history, they were not fit to testify to the issue of whether Meyers' injuries were caused by the conditions at his workplace. The Railroad then filed a Motion for Summary Judgment alleging Meyers failed to link his specific injuries with unsafe working conditions at the Railroad. The District Court granted The Railroad's motion and Meyers appeals.

Issue:

(1) Did the District Court abuse its discretion by excluding the testimony of Meyers' medical experts? (2) Did the District Court err in granting The Railroad's Motion for Summary Judgment on the grounds that Meyers was unable to establish the specific cause of his injuries?

Overall Issues Discussed or Touched Upon in this Case:

- *Daubert Ruling*
- *Cumulative Trauma Case*
- *Summary Judgment - Defendant Legal Granted*
- *Ruling on Summary Judgment*
- *Applicability of FELA at Issue*
- *Insufficient Evidence of Negligence*
- *Procedural Issues - Federal*

Held:

The central issue in this case is the level of causation Meyers must demonstrate to get his case to a jury. Meyers argues that to demonstrate The Railroad's negligence caused his injuries, he must only prove that the conditions present at the Railroad *can cause* the injuries he suffers from. Conversely, The Railroad argues that Meyers must link his *specific injuries* with the *specific working conditions* in order to establish the requisite causal chain. Meyers' injuries are indicative of "[cumulative trauma disorders](#)," or CTDs. Manifestation of CTDs may occur years after the conditions that caused them have ceased. Repetitive exposure to cold, vibration, noise, and forces acting on the body are common causes of CTDs, and while they have very real potential to cause injuries like Meyers', debate continues over what level of causation is required for recovery. Here, an ergonomist testified that the conditions present at the Railroad can cause injuries similar to Meyers'. The Railroad objected to this testimony arguing there was no proof to link Meyers' specific injuries to the working conditions. Here, the Court upheld the District Court's exclusion of the testimony reasoning the specific level of causation was not established. They noted that in cases of broken bones or wounds, no expert testimony is needed because causation of the injury "is obvious to laymen." But, as here, the cause of injuries that manifest overtime due to cumulative exposure to certain conditions is not self-evident, thus requires expert testimony. Similarly, the Court upheld exclusion of three doctors' testimonies who performed surgery on Meyers. It reasoned that while the doctors had treated Meyers for injuries like herniated disks and [arthritis](#), they made no effort to ascertain the underlying causes of the injuries. Their testimony violated *Daubert* because their opinion that the Railroad caused Meyers' injuries was assumed, and was not based on any discernible methodology. Consequently, because the Court found the evidence Meyers offered to prove the causal link between his injuries and The Railroad's negligence did not meet the standard of causation under FELA, it upheld The Railroad's Motion for Summary Judgment. Affirmed.

Comments:

While FELA provides a "relaxed" standard of causation such that evidence needed to link employee injuries with the negligence of their employer is minimal, FELA is not an insurance provider. Recovery depends on at least a small showing that negligence was present, and that it was a cause of injury.

Cumulative trauma disorders, as described in the case above, present a real problem for recovery under FELA. These latent injuries, while real and debilitating, do not readily attach to a specific, discernible event like a fall or collision. It is for this reason courts require expert testimony to establish the link between the cause and injury.