

Case Name: Leandrew Lewis v. CSX Transportation, Inc.
Date Decided: March 10th, 2011
Originally Filed in: Ohio (federal)
Decided by: Ohio Southern District Court (Federal)
Court: United States District Court for the Southern District of Ohio
Judge: Judge Dlott
Citation: 778 F.Supp.2d 821

Background:

Leandrew Lewis ("Lewis") filed suit against his employer CSX Transportation ("CSX") under the Federal Employers' Liability Act ("FELA"), 45 U.S.C. Â§ 51 *et seq.* In the complaint, Lewis alleged that throughout the course of his employment with CSX, he sustained injuries to his wrists that led to carpal tunnel syndrome and that the injuries were caused by CSX's negligence. CSX answered by denying the allegations and filed a Motion for Summary Judgment. CSX argues that Lewis' claim is barred by the statute of limitations, and in the alternative, that Lewis lacks sufficient evidence to succeed on the merits of his claim.

Issue:

(1) Is Lewis' claim barred by the three-year statute of limitations under FELA? (2) Has Lewis alleged sufficient facts such that a reasonable jury could find that CSX was liable for his injuries?

Overall Issues Discussed or Touched Upon in this Case:

- *Procedural Issues - Federal*
- *Insufficient Evidence of Negligence*
- *Summary Judgment - Defendant Factual Granted*
- *Cumulative Trauma Case*
- *Statute of Limitations*

Held:

(1) No. The Sixth Circuit applies one of two rules to determine when the FELA statute of limitations begins to run: the "time-of-event" rule and the "discovery" rule. Under the time-of-event rule, a cause of action accrues at the moment a traumatic event results in a noticeable injury. Under the discovery rule, a cause of action accrues at the time the plaintiff reasonably should have discovered both cause and injury. The discovery rule applies in situations where the injury manifests over time and cannot be linked to one specific traumatic event. Here, the Court applied the discovery rule reasoning Lewis alleged he developed carpal tunnel syndrome over a number of years due to repeated exposure to unsafe working conditions. These types of injuries are commonly referred to as "cumulative trauma" injuries. CSX argues that Lewis' claim should be time-barred under the discovery rule because he experienced symptoms of carpal tunnel syndrome more than three years before he filed this

action. The Court acknowledged that Lewis experienced pain outside of the statute of limitations, but rejected CSX's argument reasoning the date Lewis discovered the cause of his injury fell within the three-year statute of limitations. Consequently, because CSX could not demonstrate that the injury *and* its cause were discovered outside the three-year statute of limitations, it held Lewis' claim was not barred by the discovery rule. (2) Yes. To survive a Motion for Summary Judgment in a FELA negligence action, a plaintiff must allege enough facts from which a reasonable jury could conclude that a railroad breached a duty owed to the plaintiff, and that the breach caused the harm alleged. Lewis' claim rests on the theory that CSX breached their duty to provide him with a reasonably safe working environment. The Court explained that Lewis must show both that CSX acted unreasonably under the circumstances, and that CSX knew or should have known that it was not acting adequately to protect its employees. Here, Lewis asserts CSX breached their duty to provide a safe working environment by (1) failing to provide him with adequate tools and equipment; (2) failing to provide him with sufficient manpower or assistance to complete his job; and (3) failing to develop and implement adequate safety measures to prevent or reduce the risk of carpal tunnel syndrome. The Court rejected Lewis' first argument reasoning that the tools and equipment CSX provided did not create *unreasonably* safe working conditions. It noted that Lewis failed to show the machines and levers he worked with were defective, or that CSX failed to maintain them in good working order. Furthermore, the Court noted the Lewis had alleged no facts to show that CSX knew or should have known of any defective conditions; while other CSX employees had reported carpal tunnel injuries in the past, none were engaged in the same type of work as Lewis such that CSX would have been alerted to a problem. Next, the Court held CSX did not act unreasonably in requiring Lewis to perform his duties without assistance. Lewis' chief argument is that he was forced to work overtime to complete projects within certain deadlines. The Court rejected this argument reasoning Lewis had failed to show that the overtime created an unreasonably safe work environment. The Court noted that a plaintiff cannot survive summary judgment by simply alleging additional manpower would make the job "easier." Lastly, the Court rejected Lewis' argument that CSX failed to develop and implement adequate safety measures. Here, Lewis argues that during his 40 year employment with CSX it gradually improved training methods and as a result Lewis' job became less physically demanding. However, the Court found that Lewis had failed to submit any evidence showing CSX provided *inadequate* training under the circumstances; nothing in the record indicated better training methods were available or that CSX knew of these methods. For the foregoing reasons, the Court held that Lewis had failed to show CSX breached their duty to provide a safe working environment. Motion For Summary Judgment GRANTED.

Comments: