

**Case Name:** Bruce Willis v. CSX Transportation, Inc.

**Date Decided:** August 21st, 2009

**Originally Filed in:** ()

**Decided by:** (State)

**Court:** U.S.D.C. Eastern District of Tennessee

**Judge:** Judge Edgar

**Citation:** 2009 WL 2601862

**Background:**

Plaintiff, Bruce Willis ("Willis"), brought an action pursuant to the Federal Employers' Liability Act ("FELA") and the Locomotive Inspection Act ("LIA") against defendant, CSX Transportation ("CSX"). Willis alleged CSX's negligence in creating an unsafe condition caused his injuries. CSX moved to dismiss because Willis's Complaint fails to describe CSX's alleged negligence in detail, failed to identify the unsafe conditions, and fails to indicate how the allegedly unsafe conditions caused Willis's injury.

**Issue:**

Did the Court dismiss plaintiff's claim for failure to identify unsafe conditions or how such conditions caused plaintiff's injury?

**Overall Issues Discussed or Touched Upon in this Case:**

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**Held:**

Once a claim has been stated adequately, it may be supported by showing any set of facts consistent with the allegations in the complaint. The complaint must contain either direct or inferential allegations with respect to all material elements necessary to sustain a recovery under some viable legal theory. To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.' Facial plausibility exists when the court could draw the reasonable inference that the defendant is liable for the misconduct alleged. Willis asserted, in his complaint, that he was dismounting a locomotive when, as a result of improper or unsafe conditions, he was caused to fall. As a result of improper/unsafe conditions of the locomotive and resulting fall, Willis was severely injured. Furthermore the Complaint alleged that CSX was engaged in activities affecting interstate commerce, as required under the LIA claim. This Court found that the Complaint did not provide more than a review of the factual circumstances surrounding Willis's injury. Moreover, bare legal conclusions, such as the allegation that CSX was negligent did not suffice to state an adequate claim. Accordingly this Court found Willis's complaint insufficient to provide sufficient descriptions of fact supporting his claim. However, rather than dismissing the action, the Court allows Willis with an opportunity to amend his complaint.

**Comments:**

In order to state a claim, the plaintiff must state facts, accepted as true, that would allow a court to reasonably infer some kind of misconduct by the defendant. Under FELA, the plaintiff must allege facts that demonstrate (1) plaintiff was injured while in the scope of his employment (2) which employment was in furtherance of the railroad's interstate transportation business, (3) that the employer was negligence, and (4) such negligence played some part in causing the injury for which compensation is sought under FELA. The LIA claim requires the plaintiff to allege facts that demonstrate (1) the locomotive was "in use" during the time of injury (2) the locomotive was located on defendant's railroad track at the time of injury and (3) the condition of the locomotive created an unnecessary risk of personal injury. Steve Gordon  
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