

Case Name: James E. Carrico v. CSX Transportation

Date Decided: August 12th, 2009

Originally Filed in: ()

Decided by: (State)

Court: U.S.D.C. Southern District of Indiana

Judge: Judge Lawrence

Citation: 2009 WL 2508219 (S.D.Ind.)

Background:

Plaintiff, James E. Carrico ("Carrico"), filed a motion for partial summary judgment pursuant to a claim under Federal Employers' Liability Act ("FELA") against employer, CSX Transportation ("CSX"). On August 20, 2006, Carrico employed by CSX, was boarding one of CSX's locomotive. Upon helping another fellow employee Carrico stepped on safety chain which gave way and Carrico flipped off the locomotive injuring himself. An investigation into the accident revealed that the safety chain was improperly clipped in violation of CSX's safety rules. Carrico moved for partial summary judgment alleging that his fall was caused by the improperly attached chain and CSX was liable under FELA.

Issue:

Did Court find, as a matter of law, that CSX was negligent which lead to Carrico's injuries?

Overall Issues Discussed or Touched Upon in this Case:

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Held:

Carrico first claims CSX was in violation of the Locomotive Inspection Act ("LIA") and therefore in violation of FELA because a violation of LIA constitutes negligence per se under the FELA. In order to grant summary judgment, the court must, construing the facts favorable to the nonmoving party, find that there are no genuine issues of material fact. Carrico contends that the improperly attached safety chain constituted an "appurtenance" under the LIA and therefore, as improperly attached was a violation under the LIA. However, this Court held that whether improperly fastening safety chain constitutes a violation of the LIA provision remains a question of fact for the jury to determine whether the manner in which the chain was fastened created "unnecessary danger of personal injury". Carrico also argued that, under 49 C.F.R. Â§229.45, the safety chain was a "component" and under the regulation must be free of conditions that endanger the safety of the crew, locomotive, or train. This Court, however, held that it is not included in the list of what are considered "components" under the regulation and therefore summary judgment is precluded. Finally, CSX attempted to move for summary judgment because Carrico's stepping on the safety chain caused the fall and not the improper clipping. This Court held that FELA abolished the defense of contributory negligence and that

under FELA, an employer is liable for injuries if its negligence contributed, in any way, to the employee's injuries. All motions for summary judgment are therefore denied.

Comments:

Often the Locomotive Inspection Act and the Federal Employers' Liability Act are brought in the same action. The LIA does not provide recovery for injuries to employees. However, if an employee is able to show that the railroad employer violated the LIA, in any way, and that such violation played a part in causing injury, then the employer is negligent per se under FELA.

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