

Case Name: Elizabeth Chader v. CSX Transportation

Date Decided: September 30th, 2009

Originally Filed in: New York (Federal)

Decided by: New York Northern District Court (Federal)

Court: U.S.D.C. Northern District of NY

Judge: Judge Sharpe

Citation: 2009 WL 3191511 (N.D.N.Y)

Background:

Plaintiff, Elizabeth Chader ("Chader"), brought this action against her employer, defendant CSX Corporation ("CSX"), under the Federal Employers' Liability Act ("FELA") for injuries sustained in her right hand during the course of her employment. Chader had been employed by CSX since August 2000 to present. On March 14, 2005, Chader was working for CSX as a stevedore which required her to unload automobiles from rail cars. Specifically Chader's duties included, (1) opening railcar doors (2) placing metal plates between the railcars; (3) unshackling the automobiles located within the railcars, and (4) driving the automobiles to designated parking spaces. On the day of injury, while removing a grating chock, Chader was injured. The chock was estimated to weigh 5-10 pounds. It is unclear where in the process of handling the chock Chader suffered the injury. Chader described the incident that when she was "placing the chock on the wall, she felt a stabbing pain in her wrist and was unable to use her hand afterwards". Chader claimed the injury was not a recurring injury. Also, Chader claimed that this was not a result of a defective chock, and that she felt she had a safe place to work. Chader ultimately filed her action under FELA, alleging CSX (1) failed to provide a reasonably safe place to work; (2) failed to provide Chader with a safe place to work (3) failed to provide sufficient time to perform her duties, (4) failed to take appropriate precautions for Chader; (5) assigned Chader work she was improperly trained to perform; (6) failed to provide reasonable assistance and supervision; and (7) failed to promulgate and enforce rules or procedures for employees to perform their duties safely and properly. Chader asserted CSX and its agents negligently caused her injuries. Chader demanded \$400,000 in damages to her hand, future physical pain, past/future medical expenses, lost income, and loss ability to perform the usual personal affairs of a woman of her age and position in life. CSX filed a motion for summary judgment claiming that Chader failed to demonstrate proximate cause and reasonable foreseeability.

Issue:

Did the Court grant CSX's motion for Summary Judgment in opposition to Chader's claims?

Overall Issues Discussed or Touched Upon in this Case:

- *Ruling on Summary Judgment*

Held:

CSX argued that causation is absent because the incident occurred as Chader was putting the chock on the wall and therefore the position of the chock was immaterial. However, the Court, upon reviewing Chader's deposition testimony found it was unclear of the position of the chock. Moreover, Chader's testimony contradicts the particular incident and does not specifically set forth when and where in the process of removing the chock did the injury occur. Also, both parties disputed whether the weather played a difference in the condition(s) of her place of employment. Chader claimed she told CSX of the condition of the chocks in the cold weather which CSX denies. Accordingly, this Court denied CSX's motion for summary judgment because there are clearly genuine issues of material fact whether CSX was negligent and whether such negligence caused Chader's injury.

Comments:

As shown above, CSX was unable to meet the strict standard of summary judgment that, based upon the facts taken most favorable to the non-moving party (Chader), that there are no genuine issues of material fact. At issue was testimony made by Chader about the incident that appears to be contradictory. Also, there are disputes if the weather made the chocks inoperable and whether CSX knew or had a reason to know if the weather negatively affected the chocks operations. Accordingly the Court was unable to find as a matter of law that CSX did not violate FELA.

Steve Gordon