

PRESS RELEASE

U.S. Supreme Court Affirms \$6 Million Judgment for Schlichter, Bogard & Denton Client

On October 1, 2007, the United States Supreme Court denied certiorari in a case tried in the Circuit Court of the City of St. Louis, which had previously been affirmed by the Missouri Court of Appeals for the Eastern District. As a result, a \$6 million judgment for an injured Union Pacific track worker was affirmed, thus ending a 4 year long saga. The case was Burrows v. Union Pacific Railroad and Amtrak. The employee had been struck in the hand by an AMTRAK train after he was forced to get out of his Union Pacific track machine on an adjacent track to fix a defective clamp. The worker required surgeries to his hand, shoulder and spine, resulting in permanent disability. During the years leading to the trial, the railroads denied responsibility and accused the worker of contributory negligence. After overwhelming evidence of the railroads' negligence was introduced at trial, the defendants attempted to admit partial responsibility. However, the jury held the railroads to be 100% responsible.

The railroads then embarked on two years of appeals in an attempt to overturn the verdict. First, they filed an appeal with the Missouri Court of Appeals, which ruled in favor of the injured worker on all issues. The Missouri Supreme Court rejected further state court appeals, leading to the railroads' appeal to the United States Supreme Court. The sole issue raised by the railroads was that jury should not have been allowed to hear any evidence about the speed of the AMTRAK train. An AMTRAK official had confessed at trial that the train failed to slow or stop even after it noticed that the track worker was in a position of harm and unable to protect himself from the oncoming train. The evidence showed that Union Pacific allowed AMTRAK to operate at speeds greater than it allowed its own freight trains to run, because disrepair of the Union Pacific tracks was causing delays in passenger service and AMTRAK wanted to make up for the lost time in order to avoid losing its paying customers to other more reliable transport.

Attorney Nelson G. Wolff, a partner in Schlichter, Bogard & Denton represented the injured worker during the trial and all appeals. According to Wolff, "At every stage, these railroads refused to accept

full responsibility for the devastating injuries suffered by this employee who was injured through no fault of his own. Now that the jury and courts have determined otherwise, we intend to see to it that they pay every cent that they owe, so that this worker need not worry about the cost of his future medical care." Wolff also noted that the Court has ordered the railroads to pay, in addition to the \$5 million verdict, over \$1 million in interest to compensate for the delays resulting from these appeals.

For additional information on this case, please contact:

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