

JOHN W. THOMAS vs. CSX TRANSPORTATION, INC

Docket No.: 02-05920-CA; FJVR Reference No. 07:8-19

Verdict Date: **March** 23, 2007; Publication Date: **August** 2007

**TOPIC:** Employment - Transport Van - Motor Vehicle Accident - Striking Head on Roof - Excessive Speed

**RESULT:** \$ 12,000 for Plaintiff. (verdict)

(past lost wages).

Plaintiff's Negligence: 70%; Defendant's Negligence: 30%

**JUDGMENT:** \$ 3,600 for Plaintiff on March 30, 2007.

**STATE:** Florida

**COUNTY:** Duval

**JUDGE:** Lance M. Day

**PLAINTIFF PROFILE:** Age: 57

Sex: Male

Occupation: Conductor/Trainman

**PLAINTIFF ATTORNEY:** Robert R. Underwood, II of Wettermark, Holland & Keith, LLC, Jacksonville

**DEFENDANT ATTORNEY:** Todd T. Springer and Paul Jones of **Luks, Santaniello,** et al., Jacksonville

**CAUSE OF INJURY:** On September 4, 1999, while performing the duties and functions of a conductor/trainman in Defendant's Baldwin Yard, Plaintiff was required to be transported in a van. The transportation of train crews is an essential operational procedure of railroading and had been delegated by contract to a transportation company hired by Defendant. While being transported in the van operated by Defendant's agent, the driver of the van, who was allegedly exceeding the speed limit, struck a pothole, causing Plaintiff to strike his head on the roof of the van. Plaintiff claimed that Defendant negligently failed to provide him with a safe place to work as required under the Federal Employer's Liability Act.

**NATURE OF INJURY:** Aggravation of pre-existing condition; spinal stenosis at C6-C7 requiring fusion. Dr. Cauthen was Plaintiff's treating physician.

**PLAINTIFF EXPERT WITNESSES:** Fred Johnson, Economist, Birmingham, AL  
William Gray, Vocational Rehabilitation, Jacksonville  
Joseph Cauthen, M.D., Neurology, Gainesville

**DEFENDANT EXPERT WITNESSES:** John S. Boggs, M.D., Neurosurgery,  
Jacksonville  
John M. Williams, D.Ed., Vocational Rehabilitation, Pompano Beach  
Frederick A. Raffa, Economist, Orlando  
J. Fred Crane, Jr., Vocational Rehabilitation, Jacksonville

EDITOR'S NOTE: The jury awarded no damages for past or future pain and suffering.