

******* P R E S S R E L E A S E *******

FEDERAL COURT IN TULSA TODAY RETURNS TWO MILLION DOLLAR
VERDICT AGAINST BNSF RAILWAY

AN 8 PERSON UNANIMOUS JURY IN THE NORTHERN DISTRICT OF OKLAHOMA FEDERAL COURT IN TULSA ON MONDAY JUNE 22, 2009 AWARDED \$2 MILLION TO DWIGHT COMPTON FOR INJURIES HE SUSTAINED WHILE WORKING THROUGHOUT HIS CAREER AS A RAILROAD CARMAN FOR THE BNSF RAILWAY COMPANY IN THE CHEROKEE YARD, IN TULSA, OK. IT TOOK THE JURY JUST 2 HOURS TO REACH IT'S UNANIMOUS DECISION.

DWIGHT COMPTON OF CLAREMORE, OK, ALLEGED THAT POOR WORKING CONDITIONS AND A LACK OF ERGONOMIC STANDARDS OVER HIS 32 YEAR CAREER WITH THE BNSF RAILWAY CAUSED HIM TO SUSTAIN INJURIES TO BOTH SHOULDERS, BOTH KNEES AND HIS BACK. MR. COMPTON HAD UNDERGONE MULTIPLE SURGERIES TO HIS SHOULDERS AND KNEES, INCLUDING A KNEE REPLACEMENT, AND IS IN NEED OF ANOTHER KNEE REPLACEMENT. MR. COMPTON TESTIFIED THAT HE OFTEN HAD TO WORK FROM A KNEELING POSITION ON RAILROAD BALLAST AND UNDER RAILROAD CARS WHICH CONTRIBUTED TO HIS KNEE AND SHOULDER PROBLEMS. DR. JON ORJALA, FROM THE TULSA AREA WHO HAD OPERATED ON MR. COMPTON, TESTIFIED LIVE

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LAST WEDNESDAY MORNING, AND RELATED THAT MR. COMPTON'S SHOULDER AND KNEE INJURIES WERE DUE TO HIS HEAVY INDUSTRIAL WORK AS A CARMAN AT THE BNSF. THE PLAINTIFF ALSO CALLED DR. TYLER KRESS, A PH.D. ERGONOMIST, AND THREE FELLOW CARMEN WHO HAD ALSO SEEN AND WORKED UNDER THE SAME CONDITIONS TO LAY OUT THE LIABILITY CASE.

THE BNSF, REPRESENTED BY ROBERT HART OF GIBBS, ARMSTRONG, BOROCHOFF, MULLICAN & HART, CALLED DR. ELENA SERENA, FROM CALIFORNIA TO TESTIFY THAT THE JOB OF A RAILROAD CARMAN WAS OBVIOUSLY LIGHT IN NATURE. THE JURY FOUND, HOWEVER, THAT THE RAILROAD'S NEGLIGENCE HAD CONTRIBUTED TO CAUSE COMPTON'S INJURIES.

DREW BAEBLER AND JAMES E. HOPKINS, JR., OF BAUER & BAEBLER, ST., LOUIS, MO, REPRESENTED MR. COMPTON. DREW BAEBLER STATED: "THE JURY GAVE MR. COMPTON EXACTLY WHAT HE WAS SEEKING, NAMELY: ZERO FAULT ON THE PART OF MR. COMPTON AND A TOTAL OF \$2 MILLION IN DAMAGES. THE CUMULATIVE TRAUMA OVER A 32 YEAR CAREER HAS LEFT DWIGHT COMPTON WITH DEBILITATING PERMANENT INJURIES. THE JURY UNDERSTOOD THAT THE RAILROAD SHOULD NOT WEAR SOMEBODY OUT AND THEN KICK THEM TO THE CURB," BAEBLER SAID.

THE BNSF HAD JOINED CLAREMORE REGIONAL HOSPITAL AS A DEFENDANT BECAUSE MR. COMPTON WAS DROPPED ON A SURGICAL TABLE DURING SHOULDER SURGERY. THE RAILROAD CLAIMED THIS CAUSED MR. COMPTON'S BACK INJURY. THE JURY, HOWEVER, FOUND CLAREMORE HOSPITAL NEGLIGENT BUT DID NOT FIND THIS TO BE THE CAUSE OF COMPTON'S INJURIES.

DWIGHT COMPTON AND HIS WIFE OF 33 YEARS, JANICE, WERE HAPPY THAT THE JURY HAD SEEN THROUGH THE RAILROAD'S EXCUSES.

(ADDITIONAL QUESTIONS REGARDING THIS MATERIAL CAN BE DIRECTED TO DREW C. BAEBLER (314-409-1204) OR JAMES E. HOPKINS, JR. (314-406-8388)