

EMPLOYER NEGLIGENCE: RAILROAD WORKER
\$90,000 VERDICT; PARTIAL HEARING LOSS

A male railroad employee suffered hearing loss while he was employed with the defendant railroad. The plaintiff contended that the loss was caused by his occupation. The defendant contended that the plaintiff's hearing loss was not caused by his work, but the defendant settled with the plaintiff three years prior to for \$40,000. The plaintiff was awarded \$300,000 but was found 70 percent negligent. This action was filed under the FELA, 45 USC 51, which applies a pure comparative negligence scheme. Thus, the plaintiff recovered \$90,000 from the defendant (30 percent of \$300,000).

POWELL V. BURLINGTON NORTHERN RAILROAD CO.

PLAINTIFF ATTORNEYS:

Baebler, Drew C, Bauer & Baebler, St. Louis, MO
Neppe, Michael L, Bauer & Baebler, St Louis, MO

DEFENSE ATTORNEYS:

Brasher, William A, Brasher Law Firm, MO
Barkofske, Peter J, Brasher Law Firm, MO

Medical Witness(es) for Plaintiff:

Physician: Victor Villeneuve, MD
David White, MD

TOTAL AWARD: \$90,000

_COMPENSATORY DAMAGES TOTAL AWARDED: \$90,000

INCIDENT DATE: 9302
FILING DATE: 9601
TRIAL DATE: 9701
COURT/DOCKET: District/96-CIV-266
STATE/COUNTY: OK/Tulsa
JV NUMBER: 208892

***** END OF CASE *****

*** IGNORE PAGE COUNT IF YOU SEE 'END OF CASE' MESSAGE ***