

JURY VERDICT REPORTING SERVICE - JURYSEARCH

VIII 14 Week of April 8, 1991

ST. LOUIS CITY

F.E.L.A.

Lee Roy Wofford v. Union Pacific Railroad

Cause #882-6609, Division #7, Judge: Hon James L. Sanders

Plaintiff's Attorney: Joseph L. Bauer, phone (314) 241-7700

Type of Accident: Federal Safety Appliance Act, employee injured while operating a pin lifter, plaintiff, 34 years old at the time, alleged while he was working as a brakeman in the Kansas City, Kansas, railroad yard, he was injured when he attempted to lift a defective pin lifter and it became stuck. Plaintiff claimed he wanted to return to work at the railroad but was unable to because defendant didn't provide a position for him. He went back to school to earn an Associate Degree in electronics; the railroad paid the tuition.

Defendant contended the pin lifter was not defective; plaintiff was not entitled to recover further damages. Defendant's attorney noted there were conflicting reports whether the pin lift got stuck or it would not stay in the up position. Defendant paid medical bills and tuition for retraining. Also, defendant contended Plaintiff was verbally promised a position with the railroad. Further, Plaintiff submitted future wage losses without present value information.

Injuries Alleged: herniated and ruptured lumbar disc; medical specials; paid by the railroad; wage loss: \$150,000 - \$200,000 to date of trial plus about \$ 310,000.

Plaintiff's Expert: Dr. George Schoedinger, Orthopedic Surgeon, treating doctor, from St. Louis, live; Dr. Robert Pierron, Orthopedic Surgeon, from St. Louis, by deposition.

Defendant's Expert : none

Last Demand: \$375,000 before and during trial, according to plaintiff's attorney; \$380,000 with resignation, before and during trial, according to defendant's attorney.

Last Offer: \$200,000 with resignation, before and during trial, according to plaintiff's attorney; \$200,000 with job before and during trial, according the defendant's attorney.

Verdict: Returned April 12, 1991, for plaintiff \$645,000 (plaintiff's attorney noted that during trial, defendant promised plaintiff a job regardless of the verdict amount); defendant's motion for new trial and J.N.O.V. is pending; plaintiff's motion for additur for fringe benefits is pending.