

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA

Soo Line Railroad Co. v. Werner Enterprises, Inc.

8 F. Supp. 3d 1130 (D. Minn. 2014) · Decided March 31, 2014

SUMMARY

The court considered Werner Enterprises' motion for summary judgment and both parties' motions to exclude expert testimony arising from a truck-train collision and resulting environmental cleanup costs. The court held that the Federal Motor Carrier Safety Act did not preempt evidence of sudden incapacitation and denied the motions to exclude expert testimony. It granted summary judgment for Werner on the trespass and nuisance claims but denied summary judgment on the negligence claim because the evidence of the truck driver's alleged cardiac incapacitation did not conclusively establish an excuse for the statutory violation.

CASE DETAILS

COURT	United States District Court for the District of Minnesota
WRITING FOR THE COURT	David S. Doty
JURISDICTION	Minnesota
DECIDED	March 31, 2014
DISPOSITION	other
PROCEDURAL POSTURE	Canadian Pacific brought a federal diversity action seeking recovery of environmental cleanup costs arising from a truck-train collision, asserting negligence, nuisance, and trespass. Werner moved for summary judgment, and both parties moved to exclude expert testimony. The court granted Werner's summary-judgment motion in part and denied both motions to exclude expert testimony.
STANDARD OF REVIEW	Summary judgment is proper when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law; the court views evidence and reasonable inferences in favor of the nonmoving party. Expert admissibility is governed by Federal Rule of Evidence 702, with the proponent bearing the burden of establishing admissibility by a preponderance of the evidence. Rule 26 disclosure violations are reviewed under a discretionary harmlessness and prejudice analysis.
PRECEDENTIAL VALUE	published district court opinion

PARTIES

Soo Line Railroad Company, doing business as Canadian Pacific v.
Werner Enterprises, Inc.

TOPICS

summary judgment

expert testimony

negligence

trespass

nuisance

PRACTICE AREAS

civil procedure

evidence

torts

federalism

environmental law

commercial litigation

QUESTIONS PRESENTED

1. Whether the Federal Motor Carrier Safety Act preempted Werner's state-law evidence and common-law sudden-incapacitation defense.
2. Whether the parties' proposed expert testimony should be excluded under Federal Rule of Evidence 702 or because of alleged methodological, qualification, or disclosure deficiencies.
3. Whether Werner was entitled to summary judgment on Canadian Pacific's negligence claim based on medical evidence of Buzzell's possible incapacitation.
4. Whether Werner was entitled to summary judgment on the trespass claim because the record lacked evidence that Buzzell acted intentionally.
5. Whether a single collision and resulting chemical spill could constitute a nuisance under Minnesota law.

HOLDINGS

1. The FMCSA did not field-preempt or conflict-preempt state-law evidence concerning sudden incapacitation. The statute contemplates compatible state safety regulations and does not occupy the entire field of commercial motor-vehicle safety; generalized public-safety objectives are insufficient to establish conflict preemption.
2. The court denied both parties' motions to exclude expert testimony. The challenged experts were sufficiently qualified and their opinions were relevant and not fundamentally unsupported; alleged weaknesses in methodology, factual basis, or credibility generally affected the weight of the testimony rather than its admissibility.
3. Werner was not entitled to summary judgment on Canadian Pacific's negligence claim because the medical evidence did not conclusively establish that Buzzell was incapacitated at the time of the collision. A reasonable jury could find that Buzzell was not excused from complying with the traffic statute and was negligent.
4. Werner was entitled to summary judgment on Canadian Pacific's trespass claim because Canadian Pacific presented no evidence that Buzzell intentionally entered or caused a direct and tangible entry onto land in Canadian Pacific's possession.
5. A single event such as the collision could not form the basis of a nuisance claim under the circumstances presented. The alleged nuisance was neither recurring nor continuing and was not a condition

maintained by Werner.

KEY QUOTATIONS

“For conflict preemption to apply, however, there must be “far greater specificity” in the articulated conflict than a generalized notion of public safety.” (8 F. Supp. 3d at 1135)

“As a result, the court holds that a single event such as the collision cannot form the basis of a nuisance claim.” (8 F. Supp. 3d at 1142)

FACTUAL BACKGROUND

On March 31, 2012, a Werner truck driven by Dale Buzzell collided with the ninth car of a Canadian Pacific train at a marked railroad crossing near Plummer, Minnesota. The collision killed Buzzell, derailed several train cars, punctured a tanker, and caused aromatic concentrate to spill onto the tracks and surrounding ground. Canadian Pacific funded and directed reclamation efforts and sued Werner to recover cleanup costs. Werner presented medical expert evidence suggesting that Buzzell experienced an acute cardiac event, but the evidence did not establish with certainty when any incapacitation occurred.

PROCEDURAL HISTORY

Canadian Pacific filed suit on May 3, 2012, and amended its complaint on August 16, 2012, to add nuisance and trespass claims. The court previously denied Canadian Pacific's pre-discovery motion for summary judgment. On Werner's later motion, the court denied summary judgment on the negligence claim but granted it on the trespass and nuisance claims; it also denied both parties' motions to exclude expert testimony.

DISPOSITION

other

CASES CITED

- Symens v. Smith-Kline Beecham Corp., 152 F.3d 1050, 1053 (8th Cir. 1998)
- Rivera v. Philip Morris, Inc., 395 F.3d 1142, 1146 (9th Cir. 2005)
- In re Aurora Dairy Corp. Organic Milk Marketing & Sales Practices Litigation, 621 F.3d 781, 792 (8th Cir. 2010)
- Visnovec v. Yellow Freight System, Inc., 754 F. Supp. 142, 146 (D. Minn. 1990)
- Specialized Carriers & Rigging Ass'n v. Virginia, 795 F.2d 1152, 1156 (4th Cir. 1986)
- Keller v. City of Fremont, 719 F.3d 931, 944 (8th Cir. 2013)
- Unrein v. Timesavers, Inc., 394 F.3d 1008, 1011 (8th Cir. 2005)
- Schmidt v. City of Bella Villa, 557 F.3d 564, 570 (8th Cir. 2009)
- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 589 (1993)
- Robinson v. GEICO General Insurance Co., 447 F.3d 1096, 1100-01 (8th Cir. 2006)
- Lauzon v. Senco Products, Inc., 270 F.3d 681, 686-87 (8th Cir. 2001)

- Children's Broadcasting Corp. v. Walt Disney Co., 357 F.3d 860, 865 (8th Cir. 2004)
- Minnesota Supply Co. v. Raymond Corp., 472 F.3d 524, 544 (8th Cir. 2006)
- Shoaf v. American Way Transports, Inc., 47 F. App'x 780, 782 (8th Cir. 2002) (per curiam)
- Ratliff v. Schiber Truck Co., 150 F.3d 949, 955 (8th Cir. 1998)
- Glorvigen v. Cirrus Design Corp., 581 F.3d 737, 743 (8th Cir. 2009)
- Wegener v. Johnson, 527 F.3d 687, 692 (8th Cir. 2008)
- Jenkins v. Medical Laboratories of Eastern Iowa, Inc., 880 F. Supp. 2d 946, 956 (N.D. Iowa 2012)
- Aviva Sports, Inc. v. Fingerhut Direct Marketing, Inc., 829 F. Supp. 2d 802, 835 (D. Minn. 2011)
- Hose v. Chicago Northwestern Transportation Co., 70 F.3d 968, 974 (8th Cir. 1995)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322-24 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 252, 255 (1986)
- Seim v. Garavalia, 306 N.W.2d 806, 810 (Minn. 1981)
- Olson v. Duluth, Missabe & Iron Range Railway Co., 213 Minn. 106, 5 N.W.2d 492, 496 (1942)
- Gertken v. Farmers Elevator of Kensington, Minn., Inc., 411 N.W.2d 550, 554 (Minn. Ct. App. 1987)
- Krafft v. Hirt, 260 Minn. 296, 110 N.W.2d 14, 18 (1961)
- Johnson v. Paynesville Farmers Union Coop. Oil Co., 817 N.W.2d 693, 701 (Minn. 2012)
- Midwest Oilseeds, Inc. v. Limagrain Genetics Corp., 387 F.3d 705, 715 (8th Cir. 2004)
- Dorman v. Ames, 12 Minn. 451, 456 (1867)
- Wendinger v. Forst Farms, Inc., 662 N.W.2d 546, 552 (Minn. Ct. App. 2003)
- Sanders v. Norfolk Southern Railway Co., 400 F. App'x 726, 729 (4th Cir. 2010) (per curiam)
- Kostyal v. Cass, 163 Conn. 92, 302 A.2d 121, 125 (1972)
- Trussell Services, Inc. v. City of Montezuma, 192 Ga. App. 863, 386 S.E.2d 732, 733 (1989)
- Adams v. United States, No. 4:CV 03-49-BLW, 2011 WL 2144574, at *1 (D. Idaho May 29, 2011)