

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, SHREVEPORT DIVISION

Willie Wallace Thomas et al. v. Union Pacific Railroad Co.

Civil Action No. 22-2159 · No. Civil Action No. 22-2159; 5:22-cv-02159 · Decided March 12, 2026

SUMMARY

The court partially grants and partially denies Union Pacific Railroad Company’s motion for partial summary judgment in a dispute arising from the placement of railroad ballast and equipment on property leased by the plaintiffs. The court holds that the plaintiffs have standing to pursue a trespass claim and that a temporary construction easement does not clearly establish a compromise of that claim. The court denies summary judgment concerning causation of the plaintiff’s thoracic spine injuries but grants it as to the claimed cervical and lumbar spine injuries, and it addresses the plaintiffs’ intentional infliction of emotional distress claim.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Shreveport Division
WRITING FOR THE COURT	Jerry Edwards, Jr.
JURISDICTION	United States District Court for the Western District of Louisiana
DECIDED	March 12, 2026
DOCKET	Civil Action No. 22-2159; 5:22-cv-02159
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs brought state-law claims for trespass, personal injury damages, intentional infliction of emotional distress, negligent hiring, retention, training, and supervision, loss of business opportunity income, and loss of consortium. Defendant removed the action based on diversity jurisdiction and moved for partial summary judgment.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 56, 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 may not weigh evidence or make credibility determinations and must draw reasonable inferences in favor of the nonmovant.
PRECEDENTIAL VALUE	Nonprecedential district-court opinion; persuasive authority only.

PARTIES

Willie Wallace Thomas, Jennifer Thomas v. Union Pacific Railroad Co.

TOPICS

summary judgment

trespass

personal injury

negligent infliction of emotional distress

loss of consortium

PRACTICE AREAS

civil procedure

torts

personal injury

Louisiana property law

QUESTIONS PRESENTED

1. Whether Plaintiffs had standing to assert a trespass claim based on their possessory interest in the property.
2. Whether a temporary construction easement and related agreement clearly compromised or settled Plaintiffs' trespass claim.
3. Whether Plaintiffs presented sufficient evidence to create a genuine dispute regarding medical causation for Thomas's thoracic, cervical, and lumbar spine injuries.
4. Whether Plaintiffs presented evidence supporting the extreme and outrageous conduct, severe distress, and intent or substantial-certainty elements of an intentional-infliction-of-emotional-distress claim.
5. Whether Plaintiffs could pursue loss-of-business-income damages and whether Jennifer Thomas's loss-of-consortium claim survived with Thomas's viable thoracic-injury claim.

HOLDINGS

1. A possessor or lessee of immovable property may bring a trespass claim, and Plaintiffs presented sufficient evidence of Thomas's possessory interest through the alleged lease to survive summary judgment.
2. Summary judgment was improper on the argument that the temporary construction easement compromised Plaintiffs' trespass claim because the agreement did not clearly demonstrate an intent to settle that claim and a genuine issue of material fact remained.
3. Plaintiffs presented a genuine issue of material fact as to whether the May 27, 2021 fall caused Thomas's thoracic-spine injuries, precluding summary judgment on those injuries.
4. Defendant was entitled to summary judgment on Thomas's cervical- and lumbar-spine injury claims because Plaintiffs lacked competent evidence creating a genuine issue of fact on medical causation.
5. Plaintiffs failed to create a genuine issue of material fact on their intentional-infliction-of-emotional-distress claim because the alleged conduct was not sufficiently extreme and outrageous and Plaintiffs did not show the requisite intent or substantial certainty of severe emotional distress.
6. Defendant was entitled to summary judgment on Plaintiffs' loss-of-business-income claim because Plaintiffs failed to dispute evidence that Crown Castle had no agreement, easement, right-of-way, or payment record involving Thomas.

7. The loss-of-consortium claim survived summary judgment because it is derivative of a viable underlying claim and Thomas's thoracic-injury claim remained pending.

KEY QUOTATIONS

“A compromise settles only those differences that the parties clearly intended to settle[.]” (Section I.b)

“Causation is an issue of fact that is generally decided at trial on the merits.” (Section II)

“The conduct must be so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious and utterly intolerable in a civilized community.” (Section III)

FACTUAL BACKGROUND

On May 27, 2021, Union Pacific workers placed track ballast and heavy equipment on property that Plaintiffs claimed to possess under a lease. Willie Thomas approached the foreman, objected to the placement, and later fell while placing caution tape around the ballast, allegedly injuring his ankle, knee, arm, back, and spine. The parties later entered a temporary construction easement concerning removal of the material, but the court found the agreement unclear as to whether it compromised Plaintiffs' trespass claim. Thomas underwent medical treatment and multiple spinal surgeries, although the medical evidence disputed whether the cervical and lumbar conditions were caused by the fall.

PROCEDURAL HISTORY

Plaintiffs filed suit in the First Judicial District Court in Caddo Parish, Louisiana, on May 31, 2022. Union Pacific removed the action to the Western District of Louisiana on July 19, 2022. After Plaintiffs amended their complaint, Union Pacific moved for partial summary judgment. The court granted the motion in part and denied it in part, leaving the trespass claim, claims relating to Thomas's thoracic-spine injuries, and the loss-of-consortium claim for further proceedings.

DISPOSITION

other

CASES CITED

- Hyatt v. Thomas, 843 F.3d 172, 177 (5th Cir. 2016)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Total E&P USA Inc. v. Kerr-McGee Oil & Gas Corp., 719 F.3d 424, 434 (5th Cir. 2013)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323-24 (1986)
- Haines v. Kerner, 404 U.S. 519, 520 (1972) (per curiam)
- E.E.O.C. v. Simbaki, Ltd., 767 F.3d 475, 484 (5th Cir. 2014)
- Taylor v. Denka Performance Elastomer, LLC, 332 F. Supp. 3d 1039, 1055 (E.D. La. 2018)
- Richard v. Richard, 24 So. 3d 292, 296 (La. Ct. App. 2009)

- LaRue v. Crown Zellerback Corp., 512 So. 2d 862, 863 (La. Ct. App. 1987), writ denied, 514 So. 2d 1176 (La. 1987)
- Joe Hand Promotions, Inc. v. Chios, Inc., 544 F. App'x 444, 447 (5th Cir. 2013)
- Tex. A & M Research Found. v. Magna Transp., Inc., 338 F.3d 394, 402 (5th Cir. 2003)
- Potter v. First Fed. Sav. & Loan Ass'n of Scotlandville, 615 So. 2d 318, 323-24 (La. 1993)
- Indian Harbor Ins. Co. v. Covington Flooring Co., Inc., No. 24-30243, 2025 WL 416992, at *3 (5th Cir. 2025)
- Maranto v. Goodyear Tire & Rubber Co., 650 So. 2d 757, 759 (La. 1995)
- Kliebert v. Breaud, 134 So. 3d 23, 28 (La. Ct. App. 2014)
- Lasha v. Olin Corp., 625 So. 2d 1002, 1005 (La. 1993)
- Hutchinson v. Shah, 648 So. 2d 451, 452 (La. Ct. App. 1994)
- Edmonds v. Illinois Cent. Gulf R. Co., 910 F.2d 1284, 1286-87 (5th Cir. 1990)
- Viterbo v. Dow Chemical, 826 F.2d 420, 422 (5th Cir. 1987)
- Jones v. Tim Williams Wood Prods., LP, No. 18-826, 2020 WL 3815265, at *6 (W.D. La. July 6, 2020)
- Estate of Adams v. Home Health Care of Louisiana, 775 So. 2d 1064, 1065 (La. 2000)
- Allemore v. Camellia Hospice of Louisiana, 2014 WL 3583546, at *6 (La. Ct. App. July 21, 2014), writ denied, 152 So. 3d 872 (La. 2014)
- White v. Monsanto Co., 585 So. 2d 1205, 1209-10 (La. 1991)
- Deville v. Robinson, 132 So. 3d 1277, 1280 (La. Ct. App. 2014)
- Curran v. Aleshire, 67 F. Supp. 3d 741, 754-55 (E.D. La. 2014)
- Nwachukwu v. U-Haul Co. of Louisiana, No. 23-1864, 2025 WL 903127, at *8 (E.D. La. Mar. 25, 2025), appeal dismissed, No. 25-30181, 2025 WL 2745789 (5th Cir. 2025)
- Williams v. Genesis Energy, LLC, No. 20-35, 2021 WL 1227873, at *13 (M.D. La. Mar. 31, 2021)

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