

SUPREME COURT OF MISSISSIPPI

Canadian National/Illinois Central Railroad Company v. James Wesley Hall

Hall · No. No. 2005-CA-00206-SCT · Decided October 22, 2004

SUMMARY

The Supreme Court of Mississippi reviewed a Federal Employers’ Liability Act claim arising from a railroad employee’s fall while mounting a moving locomotive in muddy yard conditions. The court held that sufficient evidence supported the jury’s finding that the railroad’s negligence contributed to the injury and affirmed the denial of post-trial motions. The court also upheld the admission of testimony from the plaintiff’s railroad-safety expert, finding no reversible error in the expert’s qualifications or the railroad’s preservation of objections.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Dickinson, Justice; Diaz, Justice; Easley, Justice; Randolph, Justice; Smith, Chief Justice; Cobb, Presiding Justice; Carlson, Justice; Waller, Presiding Justice; Graves, Justice
JURISDICTION	Mississippi
DECIDED	October 22, 2004
DOCKET	No. 2005-CA-00206-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	The railroad appealed from a Hinds County Circuit Court judgment entered on a jury verdict awarding Hall \$1,501,907.97 under the Federal Employers’ Liability Act. The appeal challenged the denial of a directed verdict, judgment notwithstanding the verdict, new trial, or remittitur; admission of expert and lay testimony; contributory-negligence findings; and jury instructions.
STANDARD OF REVIEW	The court reviewed factual issues supporting a jury verdict in the light most favorable to the verdict. It reviewed directed-verdict and J.N.O.V. rulings de novo, considered the sufficiency of the evidence in the light most favorable to the nonmovant, reviewed denial of a new trial for whether the verdict was against the substantial or overwhelming weight of the evidence, reviewed evidentiary and expert-testimony rulings for abuse of discretion subject to prejudice,

	and reviewed jury instructions as a whole for whether they fairly stated the applicable law.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Canadian National/Illinois Central Railroad Company v. James Wesley Hall

TOPICS

personal injury

negligence

expert testimony

daubert standard

appellate procedure

PRACTICE AREAS

Federal Employers' Liability Act

railroad personal injury

negligence

expert testimony

appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court properly denied Illinois Central's directed-verdict and J.N.O.V. motions because Hall presented sufficient evidence that Illinois Central's negligence played a part in causing his injuries under FELA.
2. Whether the jury verdict was against the substantial or overwhelming weight of the evidence so as to require a new trial.
3. Whether the circuit court abused its discretion by admitting testimony from Hall's railroad-safety expert, including testimony concerning industry safety rules and Federal Railroad Administration materials.
4. Whether Illinois Central was procedurally barred from raising on appeal objections to the expert testimony that were not timely preserved at trial.
5. Whether the jury's rejection of contributory negligence was against the overwhelming weight of the evidence.
6. Whether the circuit court properly refused or modified Illinois Central's proposed jury instructions and properly gave Hall's instruction concerning his FELA negligence claims.
7. Whether testimony comparing switching and road locomotives violated the Federal Locomotive Inspection Act.

HOLDINGS

1. Yes. Hall presented sufficient evidence from which reasonable jurors could find that Illinois Central failed to provide a reasonably safe work environment and that its negligence played some part, however small, in causing his injuries.
2. No. The verdict was supported by substantial evidence and was not against the overwhelming weight of the evidence.

3. No. The trial court did not abuse its discretion in qualifying Berquist to testify regarding railroad operating and safety rules.
4. No. Illinois Central was procedurally barred from asserting on appeal that the testimony was inadmissible because it failed to make and preserve timely objections at trial.
5. No. The jury's rejection of contributory negligence was not contrary to the overwhelming weight of the evidence.
6. Yes. Read as a whole, the instructions adequately presented Illinois Central's contributory-negligence theory and supported Hall's theories of railroad negligence; the trial court did not abuse its discretion in modifying or refusing the proposed instructions.
7. No. The testimony that switching locomotives were easier and safer to mount did not violate the Federal Locomotive Inspection Act because it did not impose a state regulation or assert a common-law claim concerning locomotive design.

KEY QUOTATIONS

"The question is "whether negligence of the employer played any part, however small, in the injury or death which is the subject of the suit."" (¶ 13)

"Cases arising under FELA are to be left to the jury, and a jury's verdict can only be set aside "when there is a complete absence of probative facts" to support it." (¶ 26)

FACTUAL BACKGROUND

Hall, a railroad switching employee with thirty-nine years of experience, was injured while attempting to mount a moving locomotive in Illinois Central's Jackson Yard. The yard was muddy and allegedly slippery because rain mixed with rotting feed and leaking oil, and employees had complained about the conditions without corrective action. Although Illinois Central had a rule generally restricting mounting moving locomotives and provided radios that could be used to slow or stop a locomotive, Hall did not radio the engineer before attempting to board, and his foot slipped, causing serious leg injuries.

PROCEDURAL HISTORY

Hall sued Illinois Central under FELA after suffering serious leg injuries while attempting to mount a moving locomotive in the Jackson Yard. The jury found the railroad liable and awarded \$1,501,907.97 without reducing the award for Hall's contributory negligence. The circuit court denied the railroad's post-trial motions, and the Mississippi Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Henson v. Roberts, 679 So. 2d 1041, 1045 (Miss. 1996)

- Wells Fargo Armored Serv. Corp., 543 So. 2d 154, 157 (Miss. 1989)
- White v. Stewman, 932 So. 2d 27, 32-33 (Miss. 2006)
- Entergy Miss. Inc. v. Bolden, 854 So. 2d 1051, 1055, 1057 (Miss. 2003)
- Cmty. Bank v. Courtney, 884 So. 2d 767, 772 (Miss. 2004)
- Smith v. Med. & Surgical Clinic Ass'n, 118 F.3d 416, 419 (5th Cir. 1997)
- Rogers v. Missouri Pac. R.R. Co., 352 U.S. 500, 507-08 (1957)
- Consolidated Rail Corp. v. Gottshall, 512 U.S. 532, 543 (1994)
- Bush v. State, 895 So. 2d 836, 843-44 (Miss. 2005)
- Miss. Transp. Comm'n v. SCI, Inc., 717 So. 2d 332, 338 (Miss. 1998)
- Dennis v. Denver & Rio Grande W. R.R. Co., 375 U.S. 208, 210 (1963)
- Webb v. Braswell, 930 So. 2d 387, 396-97 (Miss. 2006)
- Jones v. State, 918 So. 2d 1220, 1223, 1227 (Miss. 2005)
- Miss. Transp. Comm'n v. McLemore, 863 So. 2d 31, 40 (Miss. 2003)
- Cotton v. State, 675 So. 2d 308, 314 (Miss. 1996)
- Fleming v. State, 604 So. 2d 280, 294 (Miss. 1992)
- Buskirk v. Elliott, 856 So. 2d 255, 264 (Miss. 2003)
- Coltharp v. Carnesale, 733 So. 2d 780, 786 (Miss. 1999)
- T.K. Stanley Inc. v. Cason, 614 So. 2d 942, 950-52 (Miss. 1992)
- Chantey Music Publ'g, Inc. v. Malaco, Inc., 915 So. 2d 1052, 1060 (Miss. 2005)
- Gautreaux v. Scurlock Marine, Inc., 107 F.3d 331, 338 (5th Cir. 1997)
- Watson v. State, 722 So. 2d 475, 480 (Miss. 1998)
- Spicer v. State, 921 So. 2d 292, 309, 313 (Miss. 2006)
- Parks v. State, 884 So. 2d 738, 746 (Miss. 2004)
- Burton v. Barnett, 615 So. 2d 580, 583 (Miss. 1993)
- A.B. McCarty v. Kellum, M.D., 667 So. 2d 1277, 1287 (Miss. 1996)
- Payne v. Rain Forrest Nurseries, Inc., 540 So. 2d 35, 40 (Miss. 1989)
- Napier v. Atl. Coast Line R.R. Co., 272 U.S. 605, 611-13 (1926)