

## **A victory for rail workers as Supreme Court upholds FELA negligence standard**

CLEVELAND, June 23 — Rail Labor scored a major victory today as the United States Supreme Court rejected an argument by CSX Transportation that would have made it much more difficult for railroad workers to be compensated when they are injured on the job as a result of a railroad's negligence.

The case — CSX Transportation, Inc. v. McBride — originally was brought by BLET Division 742 member Robert McBride, who was injured while working for CSX. The claim was filed pursuant to the Federal Employers' Liability Act (FELA) by Brotherhood of Locomotive Engineers and Trainmen Designated Legal Counsel John Kujawski. Under the FELA, a railroad worker who is killed or injured on the job may recover damages if the injury or death results in whole or in part from the railroad's negligence.

Dissatisfied with the jury's verdict in McBride's favor, the railroad appealed to the Seventh Circuit Court of Appeals, complaining that the instructions given to the jury did not include one requiring that it apply a higher "proximate cause" standard, meaning that McBride needed to prove that the railroad's negligence was the main or direct cause of the accident. The Seventh Circuit denied the railroad's appeal.

Writing for a 5-4 majority, Justice Ruth Bader Ginsburg held that the jury instruction "proper in FELA cases ... simply tracks the language Congress employed, informing juries that a defendant railroad caused or contributed to a plaintiff employee's injury if the railroad's negligence played any part in bringing about the injury." The Court also noted that jury instruction "sought by CSX would mislead" a jury in the proper application of the law.

"The Supreme Court today vindicated an important right for BLET members and all railroad workers," said BLET National President Dennis R. Pierce. "Our congratulations go out to Brother Bob McBride and his family, whose 7-year struggle for justice concluded successfully today.

"I also want to congratulate BLET Designated Legal Counsel John Kujawski and the team he assembled to fight for Brother McBride's rights," Pierce added, "and to thank retired BLET General Counsel Harold Ross for coordinating Rail Labor's friend of the court brief, which demonstrated the continuing need for the protections afforded by the FELA."