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Thorpe Shwer Obtains Another Favorable Jury Verdict for Railroad Client

Thorpe Shwer attorneys Bill Thorpe, André Merrett, and Jamie Gill Santos recently obtained a favorable verdict on behalf of a major Class I interstate railroad following a two-week jury trial in the Superior Court of Maricopa County, Arizona. The case was brought under the Federal Employers' Liability Act by a former locomotive engineer who alleged that he injured his back while boarding a locomotive on mainline track in Holbrook, AZ. At trial, the plaintiff alleged that he was unable to return to work as a locomotive engineer. Plaintiff demanded between \$1,590,000 and \$2,250,000 in lost wages alone, in addition to damages for pain and suffering. Thorpe Shwer presented evidence that the plaintiff's symptoms were actually caused by longstanding pre-existing degenerative conditions, not the alleged incident, that at most any aggravation of those conditions resolved itself shortly after the injury, and that he failed to mitigate his damages by not returning to his position as a locomotive engineer, not engaging with the company's robust return to work program, not taking an exam that would have allowed him to return to work for the railroad as a supervisor, and by not pursuing jobs or careers outside the railroad in any meaningful way. The jury returned a verdict awarding the plaintiff only a fraction of the damages he sought during the trial. Bill, André, and Jamie were assisted by associate Matthew St. Martin and paralegal Carmen Boubek.