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Thorpe Shwer Obtains Complete Defense Verdict

Thorpe Shwer attorneys William Thorpe and Adam Reich, along with Laurel Stevenson of Haden, Cowherd & Bullock in Springfield, Missouri, recently obtained a complete defense verdict on behalf of a major Class I interstate railroad, following a two-week jury trial in the Circuit Court of Pulaski County, Missouri. The case was brought by an injured plaintiff and his spouse arising out of an accident in which the plaintiff was struck by the defendant's train at a private grade crossing. At trial, the plaintiffs advanced numerous theories of liability concerning the physical characteristics of the crossing and the defendant's policies regarding the sounding of the train's horn on approach to private crossings. Plaintiffs claimed the injured party suffered a traumatic brain injury, spinal injuries, and multiple orthopedic injuries as a result of the accident. The trial court granted the defendant's motion for directed verdict at the close of the plaintiffs' case-in-chief on all but one theory of liability. During closing argument, plaintiffs' counsel asked the jury for an award of up to \$10,000,000. After only one hour of deliberation, the jury returned a complete defense verdict, assigning 100% of the fault for the accident to the injured plaintiff.