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## Thorpe Shwer Obtains Favorable Jury Verdict for Railroad Client

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Thorpe Shwer attorneys, led by Bill Thorpe, recently obtained a favorable verdict on behalf of a major Class I interstate railroad following a three-week jury trial in the Superior Court of Maricopa County, Arizona. The case was brought under the Federal Employers' Liability Act by a former conductor who alleged that he injured his right ankle and knee while dismounting a locomotive at the defendant's yard. At trial, the plaintiff alleged that he was unable to return to work as a conductor and that he would require additional treatment for his right knee in the future. Plaintiff requested over \$6 million in lost wages and pain and suffering damages. Bill presented evidence that the plaintiff's liability theory lacked merit, his claimed injuries were inconsistent with his description of the event, and he failed to mitigate his damages by abandoning two separate positions given to him by the defendant in favor of lower-paying positions as a firefighter. The jury returned a verdict allocating 75% of the fault to the plaintiff and awarding him only a small fraction of the damages he sought during the trial. Bill was assisted by Jamie Gill Santos.