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Thorpe Shwer Prevails on Motion to Dismiss in Franchisor-Liability Action

Thorpe Shwer attorney, Adam Reich, and Laurel Stevenson of Haden Cowherd & Bullock in Springfield, Missouri, recently obtained a unanimous defense verdict on behalf of a major Class I interstate railroad following a five-day jury trial in Webster County, Missouri. Adam became involved in the case less than a month before trial at the request of the client's General Counsel. The litigation arose following an accident in which the plaintiff struck the side of the defendant's train at a public grade crossing. The then 25-year-old plaintiff underwent eight surgeries following the accident for various orthopedic injuries. At trial, the plaintiff advanced several theories of liability concerning the actions of the train crew and alleged that the defendant failed to comply with several federal regulations. The plaintiff's experts claimed that she suffered traumatic brain injuries, as well as serious orthopedic injuries. They estimated that plaintiff's economic losses exceeded \$4 million. Following a five-day jury trial, the jury deliberated for 40 minutes before returning a unanimous defense verdict assigning 100% of the fault for the accident to the plaintiff.