

(QQ 19/2) F.E.L.A.--DEFECTIVE RAILROAD SWITCH--UNOPERATED DISC VERDICT HIGH (5)

James Woods v Elgin Joliet & Eastern Railway Co., Quantum Chemical Corp., n/k/a Millenium Petrochemicals Inc. 96C-6819 Tried Dec. 10-18, 1998

VERDICT: \$1,045,000 v all defts (liability apportioned 25% vs railroad, 75% vs Millenium)
JUDGE: Ann C. Williams (USDC, No. Dist. IL Eastern Division--Chicago)

PLTF ATTYS: Patrick W. Walsh of Patrick W. Walsh P.C.; James M. McGing of Miller, Fanucchi
DEMAND: \$600,000 ASKED: \$1,500,000

DEFT ATTYS: George W. Gessler of Gessler, Hughes for Elgin Joliet & Eastern Railway Co. (SELF-INSURED) OFFER: \$100,000 (indicated); Fred B. Schulz of Wildman, Harrold for Millenium Petrochemicals Inc. (SELF-INSURED) OFFER: \$50,000 (indicated)

PLTF MEDL: Dr. Herbert Engelhard (Neurosurgeon); Dr. Michael Greenwald (Orthopedist)

PLTF EXPERT: Stanley Hunton (Economist)

DEFT EXPERT: James Remington, ABC Rail Products Corp., 1030 Crestview Lane, St. Joseph, MO (816-387-9500) (Design Engineer)

FACTS: Jan. 25, 1996, pltf M-46 railroad brakeman sustained a herniated cervical disc (unoperated) and partial rotator cuff tear (unoperated) when he attempted to operate a defective railroad switch at Millenium's facility in Morris, IL. Defense denied defects and contended pltf should not have operated the switch because it was stuck. Jury included a physicist, three engineers, a lawyer (foreman), a rehabilitation specialist, an MBA and a medical student. Post-trial motions are pending. COMPARISON: Verdict is the highest reported in Illinois for unoperated cervical disc and for F.E.L.A. unoperated disc at any level. Page 1