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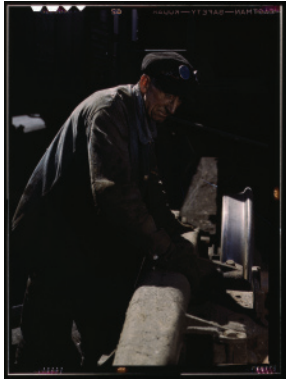
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FELA VERDICT: \$1,180,201.55

**\$1,180,201.55 FELA Jury Verdict - August 15, 2011 | Meyers v. BNSF Railway Company
Hildebrand McLeod & Nelson, LLP | Attorneys Kristoffer S. Mayfield & Victor A. Russo
San Joaquin County, Stockton, California**

On May 1, 2003, switchman James R. Meyers suffered disabling injuries to his neck and low back when he fell to the ground due to hazardous footing conditions along the lead switching track at BNSF Railway Company's Riverbank Yard in Riverbank, California.

As Mr. Meyers was engaged in "kicking" railcars down the lead track he pivoted to step away from the track after releasing a cutting lever and stepped on ballast that was left on top of asphalt near a carman's crossing. His feet suddenly went out from under him and he fell face-first to the ground alongside the track. The ballast was scattered onto the asphalt the day before by a track cleaning machine called a yard cleaner. Mr. Meyers and other switchmen described the footing hazard as "walking on marbles" and "rolling on ball bearings."

Evidence at trial established that BNSF was negligent for, among other things, failing to provide safe footing conditions along the switching lead, failing to clean up after the yard cleaner, and failing to warn Mr. Meyers of the footing hazard.

Mr. Meyers was almost forty-five years old on the date of the accident. He was disabled from railroad work by his physicians following a functional capacity exam and struggled to hold several non-railroad jobs. At the time of trial, he was working part-time as a commission-only orthopedic shoe salesman to the elderly. He underwent extensive treatment for his neck and low back, including numerous trigger point injections and epidurals. He continues to have chronic and disabling neck and low back pain.

This was a hard fought case and took a long time to get to trial because the railroad succeeded with a motion for summary judgment earlier in the case. Mr. Meyers fought the railroad through the appellate court and ultimately triumphed on appeal, thus getting his case remanded to the trial court for this jury trial.

Mr. Meyers was represented during the 9-day trial in Stockton, California by Kristoffer S. Mayfield and Victor A. Russo of Hildebrand McLeod & Nelson LLP. Following approximately 4 hours of deliberations the San Joaquin County jury returned a net verdict of \$1,180,201.55 in favor of Mr. Meyers.

