



# HILDEBRAND McLEOD & NELSON LLP

Representing Injured Railroad Employees Since 1926

ATTORNEYS & OFFICES

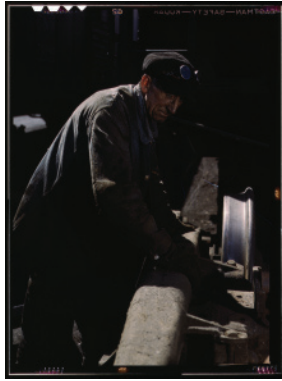
Frederick L. Nelson  
David B. Draheim  
Anthony S. Petru  
Quynh L. Nguyen  
Kristoffer S. Mayfield  
Ryan J. Otis

350 Frank H. Ogawa Plaza, 4th Fl  
Oakland, CA 94612  
1 (800) 447-7500



R. Edward Pfiester, Jr., Inc.  
Victor A. Russo

2000 Riverside Drive  
Los Angeles, CA 90039  
1 (800) 344-3352



## FELA VERDICT: \$2,323,000.00

**\$2,323,000.00 FELA Jury Verdict - May 20, 2011 | Cook v. Union Pacific Railroad Company  
Hildebrand McLeod & Nelson, LLP | Attorney Anthony S. Petru  
Washoe County, Reno, Nevada**

On April 12, 2008, Jonathan E. Cook was assigned to work as an engineer on a Union Pacific Railroad freight train which had been left at a siding east of Lovelock, Nevada. As Mr. Cook prepared the train to depart, he stepped in crater grease which apparently had been wiped off of someone's shoe on the bull nose of the top step inside the trailing third locomotive cab. Due to the crater grease Mr. Cook slipped and fell causing a head injury, loss of consciousness, visual problems, post concussive syndrome (PCS), mild traumatic brain injury (MTBI), low back pain, and injury to his neck resulting in a three level cervical fusion. Mr. Cook was unable to continue working as a locomotive engineer for UPRR.



Evidence presented at trial established that the existence of crater grease in the walkway was a strict liability violation of the Federal Locomotive Inspection Act, (LIA) 49 U.S.C. §§ 20701, the Federal Railroad Locomotive Safety Standards, (FRLSS) 49 CFR § 229.119(c), and negligence under the Federal Employers' Liability Act, (FELA) 45 U.S.C. §§ 51 et seq. The LIA allows a railroad to use a locomotive only when the locomotive, and its parts and appurtenances, are in proper condition and safe to operate without unnecessary danger of personal injury. The FRLSS prohibits the existence of a slipping hazard in a locomotive walkway. It is well established that a foreign substance, such as crater grease, which was left in a walkway on a locomotive establishes violation of the LIA and the FRLSS. Documents presented during discovery indicate that the locomotive had been serviced by UPRR mechanical forces in Stockton, California on April 10 or 11, 2008. Crater grease is specifically used to lubricate locomotive traction motors. Crater grease is on and around the ground of locomotive facilities. UPRR was forced to admit under cross-examination that the substance in the locomotive was crater grease.

Mr. Cook was represented during the 10-day trial by Anthony S. Petru of Hildebrand McLeod & Nelson LLP. Following less than 3 hours of deliberation a Washoe County jury returned a verdict of \$2,323,000 in favor of Jonathan E. Cook.