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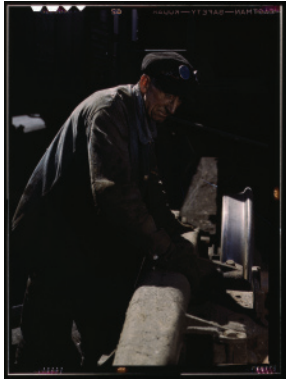
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FELA VERDICT: \$ 1,795,227

**\$1,795,227 FELA Jury Verdict - October 13, 2010 | Rosendale McMackin v. Union Pacific Railroad
Hildebrand McLeod & Nelson, LLP | Attorneys Anthony Petru & John Coletti
Multnomah County, Portland, Oregon**

On February 20, 2008, Rosendale McMackin, a 51-year-old Union Pacific Railroad (UPRR) conductor, was working onboard the lead locomotive of a nearly two mile long freight train pulled by five locomotives and weighing 10,546 tons. As the train slowed into Reynolds Siding east of Portland, Oregon the train underwent an undesired emergency brake application due to a defect in the train's air brake system. The sudden and unexpected stop caused injuries to Mr. McMackin's back and shoulder.

Expert witness testimony established that a defective air valve in a railcar near the rear of the train initiated the undesired emergency brake application. Brakes on the railcars applying from the rear of the train acted like an anchor against the locomotives as they continued to move forward until the train broke in two when a solid steel drawbar between the railcars severed. The locomotive engineer brought the train to a stop and testified that the incident felt like the cracking of a whip.



Mr. McMackin's shoulder was surgically repaired, but lifting limitations prescribed by his orthopedic surgeon prevented him from returning to work as a conductor. Despite great efforts, some 2½ years later, he has found only seasonal non-railroad work. Mr. McMackin testified that he continues to suffer limited range-of-motion and pain in the injured shoulder.

Mr. McMackin sued UPRR under a federal law known as the Federal Employers Liability Act and alleged that UPRR's equipment was defective and caused his injuries. UPRR admitted that it was liable for the undesired emergency brake application and break-in-two, but contended that Mr. McMackin did not suffer any significant or lasting injuries. Mr. McMackin was represented during the 7-day trial by Anthony Petru of Hildebrand McLeod & Nelson, LLP and John Coletti. Following one day of deliberations, the Multnomah County jury returned a verdict of \$1,795,227 for Rosendale McMackin.