

## Summary Judgment for Defendant in Double Amputation Case

Kelly v. UPRR and BJ Services Co. USA, USDC WYO Case No. 08-CV-88-J (July 7, 2010)

Plaintiff suffered a double amputation, when he was run over by a railroad car at a private industry siding. He sued the railroad and the owner of the siding, claiming that they owed him a duty of care to train, supervise and provide safe equipment. Plaintiff was employed by a contractor, who had agreed to provide services to the owner. Plaintiff was injured, when he tried to move a set of cars by releasing the handbrake, while standing on the ground between two cars. The court found that the railroad owed no duty. The court also found that our client, the owner, may have assumed some duty to provide training, but that the cause of the accident was the Plaintiff's failure to follow instructions from his employer not to move the railcars, when he was standing on the ground. Plaintiff did not deny receiving these instructions and the evidence established that he would not have been exposed to danger, if he had simply followed them.

This case was handled by George Powers.