

Kentucky Trial Court Review

The Most Current and Complete Summary of Kentucky Jury Verdicts

April 2007

Published in Louisville, Kentucky

11 K.T.C.R. 4

Comprehensive Statewide Jury Verdict Coverage

Civil Jury Verdicts

Complete and timely coverage of civil jury verdicts including circuit, division, presiding judge, parties, case number, attorneys and results.

FELA - While switching cars at a Southern Indiana trainyard, the plaintiff was struck by a rolling train – one leg was severed and the other badly injured

Baird v. Louisville & Indiana Railroad, 05-6992

Plaintiff: Joseph D. Satterley, *Sales Tillman Wallbaum Catlett & Satterley*, Louisville and Patrick S. O'Brien and Jeffrey E. Chod, *Rathman & O'Brien*, St. Louis, MO

Defense: James A. Woosley, *Landman Corsi Ballaine & Ford*, New York, NY, Robert C. Ewald and Christopher W. Brooker, *Wyatt Tarrant & Combs*, Louisville and Bruce A. Hugon, *Stuart & Branigan*, Indianapolis, IN

Verdict: \$9,323,660 for plaintiff less 10% comparative fault

Circuit: **Jefferson**, J. Shake, 3-13-07

Keith Baird, then age 25, had been working several months for Louisville and Indiana Railroad (L&I) at its Jeffersonville, IN trainyard. On the morning of 10-2-04 and with a three-man crew, he was hooking together rail cars. Particularly, he was lining airhoses.

To accomplish this work, another worker was sending railcars down the track. They were not communicating by radio. When the railcars approached Baird, he would hook them together. Baird successfully coupled several cars.

Baird's back was turned and another railcar came down the track, rolling slowly and silently. It struck Baird and knocked him to the ground, then running over his legs. One leg was severed flat out below the knee – the other was badly mangled.

Baird has since endured multiple surgeries and dealt with numerous complications associated with this catastrophic injury. Where his leg was severed, he now has a prosthesis – this is considered to be his good leg, although it

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still has phantom pain. The mangled leg (that wasn't severed) presents more ambulatory problems for Baird.

While Baird's career as a trainman is over, he has considered beginning college – however his difficulty in getting around makes that aspiration far from certain. His incurred medicals were \$531,265 and a life care plan, as valued by Laura Lampton, Louisville, was valued at \$2,149,177. Lost wages totaled \$80,682 and Baird sought \$1,562,529 for future lost wages. The jury could additionally award \$15,000,000 for past suffering, \$10,000,000 more for that in the future.

These damages were sought by Baird in this simple FELA action. It was his allegation that in moving the trains, a radio should have been used. Plaintiff's railroad safety expert, Charles Culver, Houston, explained that the radio is the lifeline of the railroad – in this case, the engineer should not have released the cars down the track without checking on the status of the plaintiff.

L&I defended on several fronts. It first postured (through its President who was called first by Baird) that Baird was 100% at fault for the incident. That is, he knew the cars were coming and no

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