

# Missouri Lawyers

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## WEEKLY

■ \$4.3 MILLION VERDICT

# Former railroad worker gets \$4.3M for injury case

**PERSONAL INJURY**

- **Venue:** Clinton County Circuit Court
- **Case Number/Date:** 13CN-CV00905/Dec. 17, 2015
- **Judge:** R. Brent Elliott
- **Plaintiff's Experts:** Dr. Steven Simon, Overland Park, Kansas (Medical-Psychological); Ann Koerner, Powell, Ohio (Life care planning); Stan V. Smith, Chicago, (Accounting, damages and economics).
- **Defendant's Experts:** Dr. Ernest H. Neighbor, Independence (Medical-Surgical)
- **Last Pretrial Demand:** \$1.8 million
- **Last Pretrial Offer:** \$1 million
- **Caption:** Jered M. Curl v. Burlington Northern Santa Fe Railroad Co.
- **Plaintiff's Attorneys:** Wes Shumate, Davis, Bethune & Jones, Kansas City; Christopher H. Leach, Hubbell Law Firm, Kansas City
- **Defendant's Attorneys:** William P. Coates, Coates & Logan, Overland Park, Kansas; Nichole Bogen, Sattler Bogen, Lincoln, Nebraska

BY JESSICA SHUMAKER  
*jessica.shumaker@molawyersmedia.com*

A Clinton County jury awarded a former railroad worker \$4.3 million in damages from his former employer for an on-the-job accident that caused “severe and disabling” neck and back injuries.

Plattsburg resident Jered Curl sued Burlington Northern Santa Fe Railroad Co. for a July 2012 incident where he was working on a maintenance-of-way rail gang, operating a rail heater machine.

The crew was moving their machines from Rose Hill, Kansas to Augusta, Kansas to perform work, said his attorney, Wes Shumate of Davis, Bethune & Jones in Kansas City. They received permission to move their machines to



Wes Shumate



Christopher H. Leach

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*Wes Shumate, plaintiff’s attorney*

a crossing to await clearance to the main line for the trip.

Shumate said the group received clearance and started traveling onto the main line in a single-file caravan. Curl reported hearing a radio transmission that the machine in front of him was

stopping, acknowledged the transmission and relayed the information to the others behind him.

He stopped his equipment, however, his machine was struck in the rear by a spiker machine, which had been struck by a crane.

With the sudden, unexpected impact Curl “was pitched backward from his head all the way down to the top of the seat back, folding his spine somewhat over the seat back while the lap belt held his pelvis in place,” the petition said.

The petition added that Curl’s hardhat struck something behind him in the impact, knocking it off of him and causing him to be stunned and dazed. He reported immediate neck and back pain.

His suit alleged that BNSF was negligent in providing a reasonably safe place to work. In its answer, BNSF “unequivocally admits” negligence for the incident.

The defense argued Curl was not injured as a result of the collision, Shumate said.

Curl’s injuries caused him to undergo a lumbar laminectomy and fusion, with a following revision surgery, Shumate said. A permanent spinal stimulator was later placed in his body to help relieve chronic low back and leg pain.

The jury came to its decision following a three-and-a-half day trial. The verdict appears to be a landmark one for the county, Shumate said.

“From our research, we couldn’t find any other million-dollar personal injury verdicts in that county,” he said.

He said the case centered on the 38-year-old plaintiff, whom he described as “a wonderful guy.”

“He’s just a genuine, true man. I think the jury saw that in him,” Shumate said. “They saw him as truthful and I think it’s a great result for Jered.”

Prior to the accident, Curl had played college football and was very active, Shumate said. The injury limited both his physical ability and his ability to fulfill a dream to work to retirement for the railroad.

“When this incident happened, it literally altered every plan he had for his future,” he said.

William P. Coates of Coates & Logan, in Overland Park, Kansas, represented BNSF. He declined to comment on the outcome of the case, but said he and his client are “exploring all options” in re-