

## Hurt BNSF worker gets \$1.7M verdict

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A former engineer for BNSF Railway who was injured when five coal cars slammed into a locomotive has been awarded \$1.7 million in damages.

The damages were awarded to Jeffrey R. Smith by a Yellowstone County jury at the conclusion on Thursday of a nine-day trial before Judge Gregory Todd.

Smith sued BNSF in January 2006, claiming he suffered career-ending injuries from two on-the-job mishaps. The jury deliberated for about five hours before returning with its verdict.

### BNSF negligence

The jury awarded Smith \$1,761,222 after finding that BNSF's negligence caused Smith's injuries on Jan. 19, 2005, when the brakes on five linked coal cars failed at a rail yard near Gillette, Wyo. The cars rolled down a side track and slammed into the locomotive where Smith was working.

Smith's attorney, Fred Bremseth, said his client suffered serious back and neck injuries that ended his 26-year career. Smith, who lives in Gillette, was 52 years old at the time of the accident, Bremseth said.

The jury rejected claims by Smith that he suffered damages from a less serious work-related injury in 2003, or that he suffered medical problems associated to the repetitive stress of his job.

Bremseth, whose office is in Wayzata, Minn., said Friday he believes the verdict is the largest amount awarded by a Montana jury in a personal-injury case against a railroad company.

### Other cases

In August 2005, a Yellowstone County jury awarded another BNSF employee \$1.5 million in damages for injuries caused by a defective handrail. And in March 2005, a Yellowstone County jury awarded \$1 million to a BNSF employee who had been injured in a head-on collision between two coal trains.

Michelle Friend, a Billings attorney who represented BNSF at Smith's trial, did not return a message seeking comment Friday. Just before the trial began, BNSF admitted liability for the incident.

Smith filed the lawsuit under the Federal Employers' Liability Act.