

JURY AWARDS FORMER BNSF WORKER \$3.7 MILLION

AUGUST 2010

A Sheridan, Wyoming man who worked for BNSF Railway for nearly 30 years has been awarded \$3.7 million in damages by a Yellowstone County jury.

Edward Roger Jolley, 72, won the verdict late Friday afternoon after a week-long trial before Judge Susan Watters. Jolley's attorney, Fred Bremseth, said Jolley suffers from chronic lung disease caused by years of inhaling diesel fumes, silicone dust and asbestos while working as a BNSF engineer.

"It's a real tragic case," said Bremseth, a Minnesota attorney who specializes in railroad injury cases. "He's already suffered mightily."

Jolley was diagnosed with pulmonary fibrosis in 2006, Bremseth said, and is on oxygen to help him breathe. His condition is chronic and progressive and will result in his death, the attorney said.

Jolley began work with the railroad company in 1970 and retired in 1999 after working mostly as an engineer. He filed the lawsuit last year.

Bremseth said he believes the damage award is the largest against BNSF by a Montana jury. In 2007, a former BNSF engineer who suffered injuries to his back and neck was awarded \$1.7 million in damages by a Billings jury.

According to the verdict form, the jury found BNSF was negligent and violated federal regulations regarding the maintenance and operations of locomotives. The

negligence and violations caused Jolley's injuries, the jury said.

A spokesman for BNSF, Gus Melonas, said Monday that the company disputes the jury verdict.

Jolley "was a valued employee, and BNSF is sympathetic to Mr. Jolley's health conditions," Melonas said.

"However, BNSF remains convinced his working conditions at BNSF and his predecessor (employers) did not cause his health issues. Rather, we believe the decision based on testimony did not pertain to actual working conditions."

The railroad company is "reviewing post-trial options to address this issue," Melonas said.

Bremseth said testimony at the trial included medical experts who said heavy metals, silicone dust and asbestos particles were found during microscopic biopsies of Jolley's lung tissue. Diesel fumes contain thousands of irritants, including heavy metals such as those found in Jolley's lungs, Bremseth said.

The silicone dust probably came from sand used by the railroad on the tracks, Bremseth said, and the asbestos from locomotive brake shoes and thermal wrap tape.

Bremseth said Jolley did not ask for a specific amount of damages at the trial. The verdict by the panel of 12 jurors was unanimous, he said.

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