

Conductor Wins 3.4 Million Verdict

Harold Johnson, a conductor from UTU Local 1770 in Los Angeles, was awarded \$3,400,000 for injuries he sustained in a railroad collision. James K. Vucinovich of Yaeger, Jungbauer, Barczak & Vucinovich, the lead counsel who represented Johnson, described the accident as “*another case of corporate irresponsibility.*”

In the early evening of July 4, 2001, Johnson was riding in the lead locomotive of a two engine consist that was operated by the engineer in the trailing unit.

The two locomotives traveled slowly through a train yard in Los Angeles with Johnson and the conductor acting as lookout, blowing the whistle to let yard workers know the train was coming through. As Johnson’s cab pulled into view of the curved track ahead, he saw a runaway tanker car barreling straight for them.

Three years later, the pain in his back, hands, and ankle is constant and he suffers from post-traumatic stress disorder.

The runaway car, loaded with corn syrup and weighing 130 tons, had rolled out of a warehouse and sped through two miles of Los Angeles neighborhoods and street crossings, fortunately injuring no one. It picked up speed along the way, reaching nearly 60 mph when Johnson saw it coming. Seconds later it hit the train hard, demolishing the lead locomotive, throwing Johnson nearly out of the cab, and knocking him unconscious. He came to, bruised and bleeding, having injured his back and shoulders, and fractured his ankle and hands. Three years later, the pain in his back, hands, and ankle is constant. The injury to his shoulder limits the motion of one arm, and he suffers from post-traumatic stress disorder. Johnson and two others injured in the accident remain unable to work.

YJBV filed a negligence lawsuit against the industries in possession & control of the tank car at the time of the accident.

In addition to reaching a settlement with the Union Pacific Railroad under the Federal Employers Liability Act (FELA), Jim Vucinovich, on behalf of Johnson, filed a negligence lawsuit against the industries that were in possession and control of the tank car when the accident occurred. One of the companies, D&S Ingredients, Inc., settled out of court, leaving Vernon Warehouse as the sole defendant at trial. The defense argued that either the UP had failed to secure the car, or that an unknown vandal released the hand brake on the car after everyone had left the facility early on that Fourth of July evening. Vernon Warehouse maintained it had no responsibility for the runaway car and collision with Johnson’s locomotive.

YJBV litigated the case for two and a half years, against three different defendants. Working with the YJB&V investigative team, Vucinovich brought some thirty witnesses and experts to the stand during a month long trial and demonstrated that Vernon Warehouse was negligent in what Vucinovich called, “Their total lack of training and procedures to secure the car in their facility.”

During a month long trial, Vucinovich demonstrated that Vernon Warehouse was negligent.

The jury agreed, and awarded Johnson \$221,000 in past economic loss, \$737,000 for future economic loss and hardship, \$650,000 for past pain and suffering, and \$1.8 million for future pain and suffering. Mr. Johnson, who was victimized by Vernon’s negligence, felt totally vindicated by the verdict. 