

The Lawyer You Hire Makes a Difference!

While injured employees and their families have many different attorneys and law firms from which to choose, the lawyer you hire can and does make a difference. The following cases illustrate the difference the right lawyer can make.

I. Motley, MN Head-on Collision of Two BN Trains

This June 14 will mark the 20th anniversary of the Motley, MN train disaster. This case illustrates how good legal counsel, working with good union representatives can change the end result of a big case.

Two BN coal trains collided at night in dark territory near Motley, MN on the night of June 14, 1984. Two engineers and a trainman were killed. Bill Jungbauer and our firm were selected by each of the three widows to represent their family. The FRA concluded that all three decedents were legally intoxicated after drug testing. The FRA Administrator, John Riley, took particular joy in announcing his findings on national TV with no warning to the families. The FELA cases were obviously in deep jeopardy.

Our firm contacted many expert witnesses, all of whom concluded that the crew members must have been drunk if the testing said so. Union members staged rallies and protests because they knew the crew members could not have been drunk. The FRA was just starting its new policies and attitudes towards random drug testing and wanted this to be their showpiece case. Local TV stations even ran stories about railroad workers called "*Riding High*" laughing at intoxicated railroad workers.

With the help and support of union brothers we stood by the families and ended up proving that the FRA test results were flawed. We were able to convince the NTSB to hold new hearings to consider whether or not heat and time could cause sugar in the body to ferment and produce false alcohol readings.

The cases were then concluded successfully with record setting settlements for each of the families.

No other law firm has ever been able to reverse such drug testing and get the NTSB to promulgate new testing procedures to make sure the unthinkable does not happen again.

II. Yaeger Law Firm Wins National Injunction to Prevent BN from Taking FELA Rights in Buy-out Agreements

In 1991 BN attempted to get employees who accepted Buy-out agreements to give up their FELA claims. Our office contacted the UTU in Cleveland and asked if the union could stop such illegal contract language forcing employees who wished to take the buy-out from giving up their FELA rights that would have remained. The union did not have legal standing to go to Court as only an injured person could request a restraining order or injunction from the Federal Court. Our firm had a client who was willing to go to Federal Court to try to obtain a Temporary Restraining Order to stop the buy-out language from going into effect. The BN flew Vice Presidents and lawyers from all around the country to fight the case. They asked for our firm to post a bond and pay millions of dollars in penalties if we lost the appeal. Our law firm was on the line for our clients and even employees who we did not represent. We won the hearing and the Court entered a permanent injunction preventing such tactics. No other law firm in the country fought this issue. Only our law firm, represented by Ron Barczak and Bill Jungbauer were able to stand up for the FELA rights of FELA workers.

The permanent injunction not only saved the hearing loss and other FELA claims of our clients but of every railroader in the country who was asked to sign or had signed this buy-out with language giving up FELA claims. 