

BNSF Settles Hillyard Case After Four-Week Trial

Charles Hillyard was a BNSF Engineer working as a conductor in Kettle Falls, WA on December 18, 2000. That evening he was operating a pin lifter mechanism that malfunctioned, and when he slipped his leg was amputated below the knee. While he lay in his hospital bed the railroad hired outside expert witnesses and brought company officials to the scene of the accident. They sent an assistant vice president to meet with Chuck and promise him the company would be with him. No mention was made to Chuck of what was happening at Kettle Falls.

One of Chuck's claims was that lighting was inadequate. The BNSF had printed minimum lighting standards that a claim agent with a simple light meter could use to determine if the lighting was adequate or inadequate. However, a light meter was never part of the company investigation in Kettle Falls. The coupler was supposedly inspected and torn apart, but no video or photos of the coupler's internal parts was ever made. The ground conditions were icy and snowy and sloped in towards the track, but no one ever measured them that night or in the initial company investigation. The company reports all showed "no defects" and took "no exception" to any conditions or equipment.



Chuck Hillyard and Bill Jungbauer

Of course, with time, the company demanded that Chuck give a statement to its claim agent. Chuck knew that he should not give a statement to the company without legal representation, so he was forced to hire an attorney. Chuck interviewed seven different legal firms and chose Bill Jungbauer of YJBV.

Once the case began Chuck realized that he should have hired an attorney immediately. The light bulbs and light fixtures had already been changed at Kettle Falls. The coupler was removed from the rail car, with no notice to the car owner or Hillyard, and kept in an attic for more than two years. A video of the rail car and working coupler was sent to Hillyard and his attorneys with no notation that it was not the real coupler that remained in the attic in Spokane. Only after the Court ordered the car be produced for inspection did the railroad admit it had removed the coupler and hidden it in an attic for several years.

There were over 60 witnesses in the case, which was scheduled for a six week trial starting March 1, 2004. On the Monday of week five the court accepted the BNSF's capitulation in the case. The railroad insisted that the settlement remains a secret so other employees and the world would not learn the extent of Chuck's victory. Bill Jungbauer and Don Aldrich of the Yaeger firm represented Chuck. Gibson, Kinerk of Seattle, represented BNSF. Chuck is forever indebted to his courageous union brothers who sacrificed their time and energy to travel hundreds of miles to testify in court to tell the truth.

Chuck and his wife Jenny hope to live happily every after knowing the BNSF has to sing "*I fought the law and the law won*" from this day forward. It may take years to get the smile off Chuck's face. YJB



Chuck and Jenny Celebrate the News