

Mission Impossible



The Iowa, Chicago & Eastern Railroad (IC&E) sent employee Richard Collins on an impossible mission, and as a result, at age 61 and after 30 plus years of railroading, he was injured to the point he could no longer work as a locomotive mechanic. Despite claiming it did nothing wrong, the IC&E was hit with a verdict in excess of \$165,000, and 100 percent fault for the accident.

The IC&E sent employee Richard Collins on an impossible mission...

Richard Collins had been working for the IC&E in its Nahant Roundhouse in Davenport, Iowa for just over one year when he injured both of his shoulders while lifting a powerhead assembly at the roundhouse. The roundhouse, built in 1903, only recently started housing major repair work like the changing of powerhead assemblies. The facility is not equipped with proper lifting equipment, nor does it have a proper setup that would allow Collins to use mechanical lifting devices that are custom in the industry. Instead, Collins and a co-worker were forced to use a manual lifting device, along with their own power, to handle the 150-pound powerhead.

Collins was injured as he and his co-worker attempted to lift the powerhead. His co-worker lost his grip, and the two men did their best to control the heavy powerhead. The railroad's negligent work practices and inadequate equipment resulted in injury to both Collins' shoulders.

Claiming there is no requirement to have mechanical lifting devices, the railroad vigorously denied any liability at trial. Testimony from numerous employees called into question the truthfulness of management's claim that it required using the mechanical lifting device. In fact, more than four employees stated that they did not even know that the IC&E had a mechanical lifting device. Other testimony, including Mr. Collins', stated that only two of 12 locations at the roundhouse had room and accessibility for the mechanical lifting device. It



was established and IC&E management confirmed there was no way Collins and his co-worker could have moved the locomotive to a location accessible to any of the lifting devices. This was due to two reasons: the antiquated set up at the roundhouse; and the locomotive was not moveable because a non-working locomotive was parked behind it.



The railroad tried to focus on the fact that Collins did not report his injury immediately. Collins reported his injury about two months after he was hurt, and he did not tell his doctors for the first few months about how and where he was injured.

The facility is not equipped with proper lifting equipment...

Still, the jury returned a unanimous verdict. They found the railroad 100 percent at fault. It's a bit ironic, as Collins is the one who ordered the mechanical lifting devices for the Nahant Roundhouse. Collins ordered similar mechanical lifting devices when he worked for the I&M Rail Link. The I&M Rail Link operated this roundhouse before selling the railroad and its equipment to the IC&E.

The jury award also included past economic damages, past and present pain and suffering, and loss of function.

In addition to finding the railroad 100 percent at fault, the Hon. Judge Gary D. McKenrick also gave a jury instruction on spoliation since the evidence in the case revealed that the railroad intentionally did not disclose handwritten statements from Collins' co-workers, which railroad management received after Collins reported his injury.

The case was tried in Davenport, IA in front of Judge Gary D. McKenrick at the end of January 2007 by attorney Paula Jossart along with help from paralegal Gail Sand and investigators Joe Dolan & Dan Colgan. 