

RR Worker Awarded \$4,500,000

A jury in Minneapolis, Minnesota returned a verdict in the case of Steven Tennant v. Dakota, Minnesota & Eastern Railroad Company, ruling in favor of Plaintiff Steven Tennant of Helena, Montana in the amount of \$4.5 Million. *“This is the largest FELA verdict in Minnesota History, and one of the largest, if not THE largest hand injury FELA verdicts in the entire nation,”* said Bill Jungbauer, President of the law firm of Yaeger, Jungbauer & Barczak of Minneapolis.

Tennant was injured in the Rapid City, South Dakota railyard of the DM&E railroad. His right hand was crushed when he tried to push a board back onto a bulkhead flatcar. His hand

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slipped and was crushed as the wood load on the car shifted and pinched his hand.

The DM&E railroad claimed that Tennant violated its safety rules by getting on the wood car without using the ladder, by failing to anticipate that other cars could roll into his track and by placing his hand into a dangerous area before it was crushed.

YJB lawyers Bill Jungbauer and Don Aldrich advised Tennant that

the amount offered by the DM&E railroad was woefully inadequate and that he should go to trial. He did and was awarded \$4,500,000 as follows:

- \$328,572 for past pain, disability, disfigurement and emotional distress
- \$170,000 for past wage loss
- \$75,000 for past loss of fringe benefits
- \$2,000 for past health care expenses
- \$2,371,428 for future pain, disability, disfigurement and emotional distress
- \$837,571 for future loss of earning capacity
- \$253,000 for future loss of fringe benefits
- \$475,000 for future health care expenses

Much of the case focused on the piece of wood that was hanging out from the bulkhead flat at the time of the accident. The railroad produced photos showing a piece of the board cut off and laying between the tracks (see photo below). ▶



Tennant says he did not cut the board off. The railroad implied that Tennant was trying to take the board and broke it off at the time of the accident. No one ever explained how the board was cut from the car. The carman testified at trial that the board was not overhanging the car when he inspected the car after the accident. However, in cross examination Jungbauer got the carman to admit that he previously testified in the company investigation that the board was hanging over the car edge and that the carman had bad-ordered the car for that reason shortly after the accident. The bad-order tag and paperwork was missing at trial. That was it for the railroad.

“The jury did not accept the railroad’s arguments,” said attorney Bill Jungbauer, counsel for Tennant.



The Tennants thank the trial team which consisted of attorneys Bill Jungbauer, Don Aldrich and Karl Frisinger; Denny McGinley and Jack Leininger for investigations; Mary Jo Pickering, lead paralegal; and Julie Senske for secretarial support.

The case was tried before Judge George McGunnigle and a seven person jury in Hennepin Co. District Court. This verdict was Bill Jungbauer’s fourth consecutive FELA trial result exceeding \$1,000,000. yB

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Juries are getting tired of corporate America refusing to live up to their responsibilities. If I could have asked for punitive damages, I would have,” Jungbauer continued.



“This is what unions do for their brothers and sisters... they tell the truth.”

STEVEN TENNANT