

# Jury award for man hurt at rail yard called record

• A Montana man whose hand was crushed while he was working for the DM&E in South Dakota was awarded \$4.5 million by a Hennepin County jury.

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A railroad worker from Montana whose hand was crushed on the job in South Dakota was awarded \$4.5 million Friday by a Hennepin County District Court jury. It was the largest amount in state history under a federal law, his lawyer said.

Steven Tennant of Helena, claimed he lost the use of his right hand when a load of wood shifted and crushed it as he tried to push a piece of wood back onto a Dakota, Minnesota & Eastern Railroad Corp. rail car in Rapid City, S.D. "The railroad lied at trial, and we caught them. The incredible injury and damages prove it," said Bill Jungbauer, who tried the case along with Don Aldrich.

But Brian Donahoe, a lawyer for the Sioux Falls, S.D.-based railroad, disputed the account and said the company intends to appeal. "We're saddened and disheartened that the legal system has let my client down in this situation, but we are quite confident that the misinformation — or perhaps one could say the intentional misstatements of facts and law — will be remedied," he said.

The jury issued its verdict in Judge George McGinnigle's courtroom after a nine-day trial that ended early Thursday. Although the incident occurred in another state, Jungbauer of Minneapolis said Tennant was allowed to sue under the federal Employer's Liability Act "anywhere the railroad lays track." "The main issue in the case was whether the wood was sticking out on the rail car.

In Jungbauer's version, the wood was sticking out, but someone cut it off while his client was in the hospital. He said a company official saw the wood sticking out and remarked on it in the internal investigation but changed his story at trial.

**Verdict continues:** Lawyers on both sides of the case say the other side lied.

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## Jury award said to be record

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"They lied, lied and told more lies," Jungbauer said.

The jury believed the story of Tennant, 48, who was given the multimillion-dollar award for pain, suffering and lost wages. Jungbauer said previous verdicts under the act have not been more than \$1 million.

"Somebody's not telling the truth here perhaps, but it's not the railroad folks," Donahoe said.

Donahoe disputes Jungbauer's version of events, including that the wood was sticking out. Donahoe said Tennant was alone in the yard when the incident occurred May 21, 2004, and no one saw what happened.

"We think there were some very serious problems with the facts... and a lot of the claims made by the plaintiffs were made by assumptions, speculation and innuendo," he said.

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