



CLIENT SUCCESSES

Defending With Science

Confidential

Situation

Our client was blamed for causing permanent eye injuries to a conductor of a railroad locomotive after an I-beam struck the windshield of the locomotive, allegedly causing glass to fly into his eyes. The plaintiff was seen by multiple eye doctors over the course of five years, most of whom could not link the plaintiff's symptoms to the train accident. However, the plaintiff's primary treating eye doctor concluded the plaintiff's symptoms were related to the train accident and were caused by a condition known as recurrent corneal erosion. Our defense was that the plaintiff's eye complaints were age related, not related to the train accident and not supported by medical science.

Solution

We decided to try this case on causation and damages. Numerous medical witnesses were presented including retained experts and treating eye doctors to establish the plaintiff's eye complaints, which were legitimate but unrelated to the accident. Our main challenge was confronting the fact that the plaintiff had no eye complaints before the accident, but had several objective findings of eye complaints after the accident. To overcome this issue, we emphasized and embraced the medical science with volumes of witnesses and evidence, and we tried to present the evidence in a way that was easy to follow and understand.

Result

After deliberating for two and a half hours, the jurors returned a defense verdict for our client.