

Cantrell v. Amtrak (verdict)

FEDERAL COURT

VERDICT: Defense (25/75 negligence), train platform snow/ice slip & fall, L2 fracture.

A Great Falls jury found that Amtrak's negligence was a cause of injury to Jessica Cantrell and that her negligence was a cause of her injury, and assigned negligence 25% to Amtrak and 75% to Cantrell.

Cantrell, then 64, deboarded the Amtrak at Wolf Point 1/24/16. She slipped & fell on the platform. Her son captured a photo of the location of the fall showing 1/2 inch of snow with ice underneath. She was diagnosed with an L2 fracture 2 months later. She sued, alleging pain & suffering, emotional distress, and loss of established course of life. She alleged that Amtrak was negligent in failing to maintain a safe condition on the platform. Amtrak denied negligence and asserted comparative fault. Cantrell admitted that she assumed there was no ice under the snow. Amtrak's snow removal contractor stated that it was her habit to clean the platform an hour before the train arrived. Local weather data was admitted and could be interpreted as showing that the condition on the platform occurred after the contractor left but before the train arrived, which Cantrell's expert disputed. According to Amtrak's attorney, evidence that she had many prior falls was excluded; according to Cantrell's attorney, and disputed by Amtrak's attorney, the jury heard that she had several other previous falls. Evidence that no one else fell that day was admitted.

Plaintiff's experts: physicist/reconstructionist Denman Lee, Bozeman; orthopedic surgeon Alan Dacre, Billings (deposed).

Defendant's experts: neurosurgeon Karl Goler, Baltimore; Jory Erickson, Wolf Point (snow removal).

Demand, none; offer \$0. Jury request, \$450,000; jury suggestion, \$0.

Jury deliberated 4 hours 3rd day; Judge Morris.

Cantrell v. Amtrak, CV 17-135-GF, 5/15/19.

Daniel Bidegaray (Bidegaray Law Firm), Bozeman, for Cantrell; Randall Nelson (Nelson Law Firm), Billings, for Amtrak (Mountain West Farm Bureau Ins. (insured snow removal contractor)).