

## RAIL

Husch Blackwell attorneys represent rail carriers in a broad range of complex matters involving compliance, safety and accountability, labor and employment, cargo liability, and violations of the Hazardous Materials Transportation Act (HMTA).

We work closely with freight forwarders, light-rail transit systems, and transportation brokers to resolve challenges and capitalize on opportunities involving contracts, easements and railroad right-of-ways, environmental, personal injury and wrongful death, product liability, rail car leasing, Railroad Retirement Tax appeals, and toxic torts.

### Representative Experience

Obtained complete defense verdict for Class I railroad when an employee alleged shoulder injury while releasing a handbrake, due to unsafe working conditions under the Federal Employers' Liability Act (FELA), Railroad Safety Appliance Act and Locomotive Inspection Act (LIA). During week-long jury trial, no defect to handbrake was revealed and injury was found to pre-exist the incident.

**Professionals:** Michael Nolan and Mary Kate Mullen

Secured favorable settlement for Kansas City Southern Railway Co. when it sought millions in damages from international steel company for property damage sustained



*“Thanks to the impressive industry and trial expertise of the Husch Blackwell team, we successfully obtained a motion to dismiss. The case represents the first time we have prevailed on either jurisdictional or venue grounds in a train-crossing accident.”*

— CEO, Cross-Border Railway Service —

### Contact Information

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during derailment. Six-figure countersuit for damages to cargo was dismissed after two-day evidentiary hearing.

**Professionals:** James Monafo and Michael Nolan

Represented Union Pacific in connection with acquisition of land for their 1,875-acre Brazos Rail Yard project in Texas.

**Professional:** Alexandra Jashinsky

Obtained summary judgment in product liability claim alleging insufficient horn and bell warning system on light-rail vehicle following plaintiff contact and injury. Court found rail compliant with local public transportation specifications, a co-defendant. **Professional:** Melissa Merlin

Successfully prosecuted professional negligence case on behalf of Kansas City Southern Railway Co. (KCSR) against designer of certain concrete railway bridge girders installed on KCSR railway line in Texas. **Professional:** James Monafo

Represented tank car manufacturer in complex product liability action involving leak of arsenic acid at railyard. Favorable settlement was reached after months of investigation and years of litigation with client's co-party and indemnitor. The client was ultimately voluntarily dismissed before retrial of the action. **Professional:** Michael Alston

Counseled on sale and adaptive re-use of 70-acre decommissioned rail yard in infill Denver location, including developing a procurement process that more than quadrupled the client's proceeds. **Professional:** Andrea

Austin

Guided development of privately owned high-speed rail project in Southern Nevada. **Professional:** Andrea Austin

Assisted Class I railroad in drafting and negotiating multimillion-dollar complex software development agreement to redesign critical software communications system. **Professional:** Max Ellenbecker

Negotiated and guided Securities and Exchange Commission (SEC) investigation for publicly traded railroad, leading to no enforcement action. **Professional:** Catherine Hanaway

Favorably resolved lawsuits against California-based lead-mining company in railroad workers' claims relating to transportation of lead. Three cases over eight years involved dust from gondola cars, loading process, and alleged health consequences. **Professional:** Christine Miller

Advised Union Pacific in the relocation and sale of various railroad corridors to regional transit authority in connection with development and expansion of its public rail transit system.