

Annette Sanders; Sanders, Joseph (Estate) v CSX Transportation, Inc

2019L004599

Party Names

Plaintiff(s):

Sanders, Annette, Sanders, Joseph (Estate)

Defendant(s):

CSX Transportation, Inc

Practice Area: Civil Procedure; Criminal Law and Procedure; Governments; Torts

State: Illinois

County: Cook

Court: Illinois Circuit Court, Cook County

Plaintiff Counsel

Plaintiff Name: Annette SandersPlaintiff Name: Sanders, Joseph (Estate)

Jonathan Sternberg

Firm Name: Jonathan Sternberg, Attorney, P.C.

Defendant Counsel

Defendant Name: CSX Transportation, Inc

Michael Scodro

Firm Name: Mayer Brown LLP

Case Summary

The lawsuit involved a survival and wrongful death action under the Federal Employers' Liability Act (FELA) brought by Annette Sanders, representing the estate of her late husband, Joseph Sanders, against CSX Transportation, Inc. (CSX), Joseph's former employer. Joseph Sanders worked as a plumber and sheet metal worker for CSX from 2002 to 2014, primarily at the Barr Yard in Riverdale, Illinois. The estate alleged that Joseph was exposed to carcinogenic toxins, including asbestos and diesel fumes, during his employment, which contributed to his colon cancer diagnosis in 2016 and subsequent death in 2018.

The estate claimed that CSX breached its duty to provide a safe workplace by failing to monitor and reduce toxin levels, provide protective equipment, and warn of cancer risks. CSX denied negligence and argued that Joseph's injuries were due to pre-existing conditions, including his history of heavy smoking. During the trial, the estate presented evidence of unsafe working conditions and expert testimony linking Joseph's cancer to his workplace exposure. CSX countered with evidence of safety measures and expert opinions attributing Joseph's cancer solely to smoking.

The jury found in favor of the estate, determining that CSX was negligent but also found Joseph 65% contributorily negligent, reducing the \$ 2.2 million damages award to \$ 770,000. CSX appealed, arguing that the trial was prejudiced by a misstatement of law in the estate's closing argument and the trial court's instruction regarding witness credibility. The court denied CSX's motion for a new trial, affirming the jury's verdict.

Plaintiff Expert(s)

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