



FELA

Information Package



BRENT COON & ASSOCIATES
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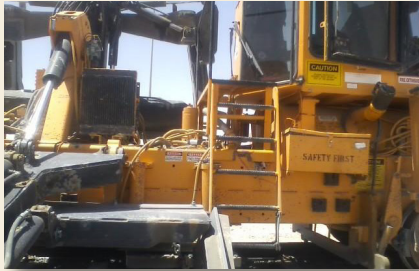
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WHY CHOOSE BRENT COON & ASSOCIATES



Your union, the Brotherhood of Maintenance of Way Employees Division - Unified System Division, reviewed and investigated many law firms before selecting Brent Coon & Associates as the recommended choice for its members. BCA has many years of experience and has won millions of dollars for their railroad worker clients.

BCA is widely considered among the best, the most recognized, and the most award-winning firms not just in your area but throughout the United States and around the world. BCA is considered by the many in the national and international media as the country's foremost experts in legal and personal injury matters.

If you have been injured on the job, you'll want BCA on your side every step of the way. Together we will maximize your recovery and make the process as easy as possible.

Español

Su sindicato, the Brotherhood of Maintenance of Way Employees Division-Unified System Division, ha analizado e investigado muchos despachos de abogados antes de seleccionar a Brent Coon y Asociados como la opción recomendada por sus miembros. BCA tiene muchos años de experiencia en la materia y ha ganado millones de dólares por sus clientes, trabajadores en ferrocarriles.

Se considera a BCA entre los mejores, los más reconocidos y los más premiados despachos no únicamente en su area, sino por todos los Estados Unidos y el mundo. Muchos de los medios masivos tanto nacionales como internacionales se considera a BCA como los principales peritos en el país en cuanto a los asuntos legales y de las lesiones personales.

Si Ud. ha sido lesionado en el trabajo, quería que BCA estara a su lado en cada paso. Juntos vamos a maximizar su recuperación y hacer que el proceso sea lo más fácil posible.



ABOUT BCA AND THE BCA TEAM

BCA has been selected the designated law firm by the Brotherhood of Maintenance of Way Employes – Unified System Division. This honor continues BCA's long-standing tradition of working closely with workers' unions all over the country and represents recognition of the hard work and dedication that BCA has shown in protecting the rights of injured workers.

As the designated law firm for the BMWED-Unified System Division, BCA has agreed to provide advice to all BMWED members free of charge. BCA also agrees that if you need to hire us for your FELA claim, we will not charge more than 25% of recovery, instead of the 30-40% that other firms charge.

Jim Cox, a member of our FELA team, is honored to be designated as legal counsel for the BMWED-USD. Mr. Cox works closely with Jim Morris and our investigators and field representatives to investigate your case and prepare it for trial.

Brent Coon & Associates provides legal assistance and guidance for railroad employees injured on the job, including repetitive trauma and occupational/environmental disease cases. Our attorneys have successfully represented hundreds of railroad workers. You may be entitled to compensation for medical expenses, pain and suffering, disability, and loss of earnings. Contact the offices of Brent Coon & Associates for assistance. Protecting your legal rights is our #1 goal.



BRENT COON & ASSOCIATES OUR LEAD FELA ATTORNEYS

Brent Coon - Founder of BCA



"I was raised in a union family. My father was a union worker. So, I grew up understanding the issues that affect the union worker and their family. If there has been one thing that has motivated me to be the lawyer that I am, it is my desire to help protect the union workers and their rights."

Jim Cox - FELA Attorney



"I have devoted all of my professional life to standing with railroaders and their families. Railroading is a challenging industry covered by a unique set of laws, including the FELA, that requires special knowledge and experience to enforce. I look forward to continuing to enforce the FELA with my fellow colleagues at Brent Coon & Associates."

Jim Morris - FELA Attorney



"I have represented unions and working families for 30 years as a Board Certified Trial Attorney. In my career, there is nothing more satisfying than providing legal assistance to those who have been injured on the job and can't work or whose family has suffered from the loss of a loved one."



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OTHER FELA INJURIES

Railroad workers are often exposed to a number of other work-related injuries that are not covered by FELA. Workers can be exposed to a number of toxic chemicals, such as asbestos, and are often at a high risk for devastating health effects. Exposure to toxic substances, in any form, can result in diseases such as mesothelioma, lung cancer, asbestosis, and thickening of the pleural membranes that cover the lungs and provide support. Other diseases that have been associated with exposure to asbestos include cancer of the digestive tract, colon, larynx, esophagus and kidneys. In some cases it may take as many as 40 years after exposure for the effects of asbestos and other toxic substances to become apparent with outward symptoms such as chest pain or shortness of breath. Many railroad workers can be exposed to these chemicals for long periods of time and, as such, are at the highest risk for developing these diseases and condition.

Not only are those who work around hazardous materials, like asbestos or products that contain asbestos, at risk, their families are also. Immediate families are exposed to harmful materials through their contact with the clothing, skin, and hair of the person directly exposed, increasing their risk of developing these diseases.



OTHER PRACTICE AREAS

Brent Coon & Associates has great respect and admiration for the working people that compose the backbone of our country. Our mission is to help ensure their rights are protected and their well-being respected. While this package does focus almost exclusively on FELA-related injuries, we have offices all over the country and a wealth of experience representing clients in a broad array of legal specialties, including Personal Injury, Pharmaceutical Injury, Motorcycle and Car Accidents, and Mortgage Fraud

BCA has received national recognition for its work, including the Steven J. Sharp Public Service Award; the American Association of Justice's highest honor, the Clarence Darrow Award; and the USMFW Humanitarian Award. And, Brent Coon is frequently sought out by the media as one of the country's top legal experts, appearing on shows such as 60 Minutes, Fox News, and The Ed Schultz Show.

Should you have any legal need, contact the law firm of Brent Coon and Associates and we will give your situation the focus and attention it deserves.

GO WITH A WINNER

Billions of Dollars in Verdicts and Settlements from BCA

Very few law firms in the country have our measure of success. BCA and our team of trial lawyers have had decades of successful settlements and verdicts, participating in cases resulting in BILLIONS OF DOLLARS in verdicts and recoveries for our clients.

Some of the FELA claims and other litigation cases successfully handled by BCA include the following highlights:

- Colorado: \$1.5 Million settlement for a MOW welder who suffered back injuries, who was able to return to work in a different job on the railroad after treatment for his injuries.
- Texas: Co-counsel in yearlong Federal trial for occupational injuries to union workers resulting in approximately ONE BILLION DOLLARS in verdicts.
- Texas: Lead counsel in four-year litigation against a major oil company on behalf of several hundred clients injured in an explosion resulting in over \$200 Million Dollars in Recoveries.
- Nebraska: \$800k settlement for a locomotive engineer injured in a van accident, who was able to return to work as a locomotive engineer.
- Nevada: Lead Counsel in over \$10 Million Dollars in recoveries for injuries to patients from contaminated medical equipment.
- Colorado: Co-lead Counsel in injuries to a trucker resulting in \$2 Million Dollar recovery.
- California: Lead Counsel in recovery of over \$25 Million Dollars for union workers sustaining occupational injuries.
- Nebraska: \$3 Million settlement for a locomotive engineer injured in a van accident.
- Louisiana: Co-lead counsel in six-year long litigation against a major oil company resulting in over \$50 Million in recoveries for fishermen.
- Texas: Lead counsel in \$18.5 Million Dollar verdict for 8 union workers in an occupational injury claim.
- Texas: Lead Counsel in a \$16 Million Dollar verdict for 10 union worker families in an occupational injury claim.
- Texas: Lead Counsel in a Multi-million Dollar recovery for a union worker fatality case from a chemical exposure.
- California: Lead Counsel in a \$3.5 Million Dollar recovery for a railroad worker with a head injury from getting struck with a piece of metal.
- California: Lead counsel in \$2.0 Million Dollar settlement for union worker with back injuries working on an oil rig.
- Texas: Lead counsel in \$1.25 Million Dollar verdict for leg injuries for a union worker hit by a vehicle.
- Texas: Lead counsel in \$1.0 Million Dollar recovery involving a motorcycle/vehicle incident.
- Florida: Lead counsel in \$3.25 Million Dollar recovery for a hospitality industry claim for tortious interference.
- Pennsylvania: Lead counsel in over \$10 Million Dollars in recoveries for union workers sustaining occupational injuries.

GO WITH A WINNER

Billions of Dollars in Verdicts and Settlements from BCA

- Nebraska: \$2.8 million verdict for a UP MOW welder whose forearm was crushed when a stack of concrete ties next to him collapsed.
- Colorado: \$800k verdict for a UP conductor injured by a wobbly seat on a locomotive.
- Texas: Lead Counsel in \$2.4 Million Dollar recovery involving a workplace back injury.
- Louisiana: Lead counsel to trucking business in recovery of \$6 Million Dollars for tortious interference.
- Ohio: Lead Counsel in over \$50 Million Dollars in recoveries involving occupational injuries to hundreds of union workers.
- Massachusetts: Lead Counsel in \$10 Million Dollar recovery for injuries to individuals from defective medical device.
- Nebraska: \$1.5 Million settlement for a mechanical employee injured falling down steps in the cab of a locomotive when overcome by fumes from materials used to clean the cab of the locomotive.
- Louisiana: Co-lead Counsel for injuries to patients from taking defective medicines resulting in over \$10 Million Dollars in settlements.
- Mississippi: Co-lead counsel for injuries to group of union workers resulting in over \$200 Million Dollars in recoveries.
- Florida: Lead counsel in \$2 Million Dollar recovery for restaurant owner in a business interference claim.
- Texas: Lead counsel in \$2.5 Million Dollar recovery for apartment owner claim against insurance for storm damage.
- Mississippi: Lead counsel in \$5.0 Million Dollar recovery to a gaming business for tortious interference.
- Oklahoma: Co-lead Counsel in recovery of over \$1 Million Dollars for state government claim of price fixing against an oil company.
- Missouri: Lead Counsel in recovery of over \$5 Million Dollars for workers sustaining occupational injuries.
- Arkansas: Received a jury verdict of \$29 Million Dollars against Wyeth and Upjohn on behalf of Donna Scroggin, a breast cancer survivor.
- Pennsylvania: Obtained the first verdict against Pfizer for \$1.5 Million in the Hormone Replacement Therapy litigation in the Philadelphia Court of Common Pleas.
- Texas: Obtained the first verdict against PPG Industries in the history of asbestos litigation for seven union families valued at over \$13 Million.
- Texas: Co-lead counsel in a \$7.25 Million Dollar recovery for a union worker burn injury case.
- Illinois: Lead Counsel in over \$10 Million Dollars in recoveries for workers sustaining occupational injuries.
- Texas: Lead counsel in \$6.9 Million Dollar Verdict for a union officer hit by a car.
- Massachusetts: Lead Counsel in recovery of over \$5 Million Dollars for union workers sustaining occupational injuries.



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WHAT YOU NEED TO KNOW IF YOU ARE INJURED ON DUTY

- 1. Remember a Key Fact** - The company claims agents, managers, and supervisors are very experienced in gathering information that helps the company save money. As friendly as they seem, they are not acting in your best interests.
- 2. Notify Local Chairman** – Notify your local chairman of your injury. If LC is not available contact an available union representative or call BCA.
- 3. Take Notes at Accident Scene** - You need to immediately note what caused your accident. Your injury may have been caused by defective equipment, missing safety devices, or even the negligent behavior of a fellow employee. It is extremely important for you to remember the facts and circumstances of the accident. Photograph the equipment and area if possible.
- 4. Accident Reports** – Accident reports must be filed, but get emergency medical treatment first. The accident report should not be completed while you are in pain, under the influence of pain medications, or in shock from injury. Keep a copy of the accident report for your records.
- 5. Hospital Room** – Railroad officials are not allowed in your hospital room. Be sure to notify hospital employees that you are not a worker's comp patient and they are not allowed to share information with railroad officials. Be sure to tell your doctors and nurses how you were hurt.
- 6. Avoid Company Officers** – After release from the hospital, avoid company representatives. You are not obligated to speak to anyone when you return home. You may be severely injured, in shock, or under the influence of medications. This is no time to be interrogated by railroad officials.

FELA STATUTE OF LIMITATIONS

Railroad employees must be particularly careful not to allow the Statute of Limitations to expire under the FELA before bringing any claim, including cumulative trauma or hearing claim. Under the FELA, an injured employee has three years from the date he knew or should have known he was injured as a result of his working environment within which to file his claim in a court of competent jurisdiction. Generally, that means that if an injured employee tells his family doctor that he thinks his knee pain is related to his work on the railroad, he must bring a claim for that injury within three years from that doctor's visit.

Example:

- An employee visits the hearing van at work or safety meeting.
- Later notified by mail he has a slight hearing loss.
- Upon receipt of that letter the Statute of Limitations (SOL) starts running (the employee has been notified of a medical issue – hearing loss).
- The SOL runs three years from the date he knew or should have known of the injury.
- Three years and one day is beyond the SOL.



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WHISTLEBLOWER VIOLATIONS

Federal Railroad Safety Act (FRSA)

49 U.S.C. Section 20109

A “whistleblower” is a person who reports illegal or improper conduct by a company to the public, media, or to a person in authority. When this occurs, it is then illegal for an employer to retaliate against a whistleblower by terminating or otherwise mistreating the employee. In general, a railroad carrier engaged in interstate or foreign commerce, a contractor or a subcontractor of such a railroad carrier, or an officer or employee of such a railroad carrier, may not discharge, demote, suspend, reprimand, or in any other way discriminate against an employee if such discrimination is due, in whole or in part, to the employee’s lawful, good faith act done, or perceived by the employer to have been done or about to be done.

BCA believes in protecting workers who have acted in good faith as whistleblowers. We have engaged in numerous “whistleblower” claims, including the recent case against Trinity Guardrail.

If you are aware of any acts of wrong-doing or intimidation at your workplace, BCA can help protect you and help make your work environment a safer place for you and your co-workers.

For more information about whistle blower claims and to review Federal Railroad Safety Act (FRSA) 49 U.S.C. Section 20109, please visit our website: www.fela411.com/whistleblower

DO I PARTICIPATE IN INJURY REENACTMENTS ON THE RAILROAD?

- Oftentimes the railroad will request that an injured railroad worker participate in a reenactment of his/her injury. This typically will involve several railroad supervisors with video and recording equipment.
- The railroad officials will typically request this reenactment as close to the time of injury as possible. This **DIRECTLY** conflicts with a railroad worker’s unqualified right to seek and receive medical care and attention as a result of injuries (under the “Whistleblowers Statute”) and the injured person’s legal right to not have to give a statement regarding the injury.
- The worker’s union officials should be consulted immediately along with designated legal counsel regarding any requested reenactment. In the case of a railroad worker who needs immediate medical attention, the worker should make sure this is clearly stated to the supervisors in front of a co-worker or union witness, and that co-worker should insist on going to the medical facility and not participate in any reenactment.
- A reenactment is essentially a “statement” given by the injured person to the railroad, although it is in a demonstrative form rather than a written or tape recorded form. Legally, and according to railroad rules, the injured party is not required to give a statement regarding his/her own injury except for the filing of a personal injury report when medically practical. Also, an injured person climbing on equipment or walking in dangerous areas poses an additional hazard to that person and should be avoided.
- Each request for reenactment should be discussed with designated legal counsel and the union. While the railroad does not have any strict authority to order an injured person to attend such an event, you can be subject to the railroad’s discipline system if you do not comply.



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WHAT EVERY SPOUSE SHOULD KNOW ABOUT THE F.E.L.A. IN CASE OF AN INJURY TO THEIR LOVED ONE

- The railroad can be a dangerous workplace. An employee's spouse should be prepared to deal with an injury to a spouse on his/her own in the event the railroad worker is unable to speak for himself/herself. The railroad will confront the spouse with officials who promise that they will "take care" of everything the family needs. The truth is the railroad is preparing its legal case even as it makes these representations.
- The spouse should be prepared with a folder or file with all critical information that can be pulled from a cabinet or drawer in case an emergency occurs. At a minimum, the information should consist of the following:
 - Contact information for **union officials** and **Designated Counsel Brent Coon & Associates, PC, law firm**. The first thing the spouse should do is contact **union officials** and **designated legal counsel** for assistance. Keep this information package in a file with the following:
 - 1) Complete list of all health insurance, disability benefits, life insurance and account information for mortgages, savings, checking and other accounts.
 - 2) A "living will" giving the spouse authority over the injured worker's affairs if the worker is incapacitated. This will also provide life support guidance in the emergency setting for the hospital staff.
 - 3) Name, address, phone number of an individual trusted by the spouse to serve as the "lead person" for all contact from any party (besides designated legal counsel and the union) that attempts to provide/get information from the spouse and family. In these critical times, it will be difficult for the spouse to think clearly. The "lead person" can serve to greatly reduce the stress on the spouse and allow him/her to focus on the issues at hand.
- Spouses must understand that these cases are not governed by any workers' compensation system. A case of liability, causation and damages must be proven against the railroad. Designated legal counsel should become involved immediately to preserve evidence and protect the family from false promises.

DO NOT DELAY. CONTACT BRENT COON & ASSOCIATES, PC, IMMEDIATELY IN THE EVENT OF AN INJURY TO OR DEATH OF A SPOUSE!



**BCA is
Designated Legal Counsel
of the
BMWED-Unified System Division**

**Members of the Academy of Rail Labor Attorneys
(ARLA)**

**If you have suffered an injury on the job,
you may have a right to compensation**

**For help in California, the Southwest region, the West
Coast, and the Northwest Coast region contact:**

**Investigator Lou Bottini
(916) 207-1089
Lou.Bottini@bcoonlaw.com**

For help in Utah and East contact:

**Investigator Sean Dillon
(303) 886-5638
Sean.Dillon@bcoonlaw.com**