

FILED

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TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON

AARON E. RICHARDS,

CIVIL ACTION NO. 3:08-0079

Plaintiff,

vs.

COMPLAINT

CSX TRANSPORTATION, INC.,
a corporation,

**PLAINTIFF DEMANDS TRIAL
BY JURY**

Defendant.

Comes now the plaintiff, Aaron E. Richards, and for his cause of action against Defendant, CSX Transportation, Inc., a corporation, states as follows:

I.

That the jurisdiction of the above named Court is based upon the Federal Employers' Liability Act, Title 45, U.S.C.A., §51. et seq., and that this action is timely commenced within the meaning of 45 U.S.C. §56.

II.

That at all times material herein, Defendant, CSX Transportation, Inc., a corporation, owned and operated various tracks and yards in the County of Cabell, State of West Virginia, and was and is engaged as a common carrier in interstate commerce.

III.

That at all times material herein, Defendant employed Plaintiff as a conductor, and that at the time of the occurrence of the accident herein, all or part of Plaintiff's duties were in the furtherance of Defendant's business in interstate commerce.

IV.

That on or about the 23rd day of April, 2005 at 1:15 a.m., Plaintiff while in the course and scope of his employment as a conductor at Keyser Receiving Yard near Ravenswood, West Virginia, was assigned to perform a class 1 brake test on one of Defendant's trains. As Plaintiff performed the required inspection, a goose which was previously known by Defendant to have nested in its yard area, suddenly jumped out from under one of the railcars, striking Plaintiff, and causing him to fall resulting in injuries and damages as herein set forth.

V.

That the injuries and damages sustained by Plaintiff were caused by the negligence of Defendant in violation of the Federal Employers' Liability Act, 45 U.S.C. §51.

VI.

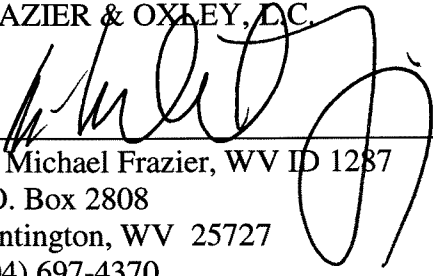
That as a result of the negligence of Defendant, Plaintiff has suffered pain in the past and will suffer pain in the future; has incurred expenses for medical treatment, and will incur further like expenses in the future; has suffered loss of earnings and impairment of future earning capacity; and has suffered loss of his enjoyment of life, all to his injury and damage.

WHEREFORE, Plaintiff, Aaron E. Richards, prays judgment against the above named Defendant, CSX Transportation, Inc., a corporation, for a reasonable amount in excess of Seventy-Five Thousand Dollars (\$75,000.00), on his cause of action herein, together with interest thereon as provided by law, and for his costs and disbursements herein incurred, and for such other and further relief as the Court may deem just and appropriate.

PLAINTIFF DEMANDS TRIAL BY JURY.

Dated: February 4, 2008

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