

Haynes and Boone Wins Key Ruling for Union Pacific Railroad

September 13, 2017 Kent Rutter, Christina Crozier, Nina Cortell

PRACTICES Appellate

In a suit that has attracted national attention, Partner [Kent Rutter](#) and Counsel [Christina Crozier](#) led a Haynes Boone team that won an Aug. 31 appellate ruling affirming a summary judgment in favor of client Union Pacific Railroad Company.

The suits stems from a 2012 accident in which a vehicle carrying wounded veterans and their spouses in a Midland, Texas, parade collided with a train at a Union Pacific crossing, resulting in four fatalities and numerous injuries. Lawyers from 10 plaintiffs' firms filed suit. After investigating the accident, Union Pacific concluded that its employees were not to blame, and the company assembled a legal team to defend the case.

While Union Pacific's trial team prepared for trial, Rutter and Crozier (joined by Haynes Boone Partner [Nina Cortell](#)) pursued a successful interlocutory venue appeal in the Dallas Court of Appeals, which in 2013 ordered that the case be transferred from Dallas to Midland.

After the transfer, Rutter argued a series of summary judgment motions in the trial court, focusing on whether the electronic systems that control the lights and gates at the crossing in question complied with federal regulations. Compliance would result in preemption of the plaintiffs' claims. The trial court granted summary judgment on six of the plaintiffs' seven claims before trial. After the jury was selected and counsel made opening statements, the trial judge asked to hear additional argument and subsequently granted summary judgment on the final claim.

The plaintiffs appealed to the Eastland Court of Appeals, where the Haynes Boone team filed several briefs and Rutter presented oral argument. In its Aug. 31 ruling, the appellate court issued a thorough opinion that confirms the correctness of Union Pacific's interpretation of the federal regulations.