

FILE NAME: NS

DATE: 1988 NS009

DOC#: NS009

DOCUMENT DESCRIPTION: Legal - Complaint of W. Biggs vs. Norfolk & Western

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

WAYNE BOGGS,

Plaintiff,

vs.

NORFOLK AND WESTERN RAILWAY
COMPANY, a corporation,

Defendant.

NO.

80-1-88
F.E.L.A.

C O M P L A I N T

Now comes the Plaintiff, WAYNE BOGGS, by his attorney, PAUL L. PRATT, P.C., and for his cause of action against the Defendant, NORFOLK AND WESTERN RAILWAY COMPANY, a corporation, alleges as follows:

1. That on or about January 21, 1978, and for some time prior thereto, the Defendant, NORFOLK AND WESTERN RAILWAY COMPANY, a corporation, was engaged in the business of interstate commerce in and throughout the several states of the United States as a common carrier by railroad; and for the purpose thereof did operate and do business in and about Madison County, in the State of Illinois.

2. That at said time and prior thereto, Plaintiff was employed by the Defendant as a sheet metal worker and was engaged in the performance of his duties as such worker at the time he was injured on the aforesaid date as hereinafter alleged.

3. That at said time and prior thereto, Defendant was engaged in interstate commerce as a common carrier by railroad, and all or part of Plaintiff's duties as an employee of the Defendant were in furtherance of interstate commerce and closely, directly and substantially affected the same, by reason whereof the rights and liabilities of the parties were governed by the Act of Congress known as the Federal Employers' Liability Act, 45 U.S. Code, Section 51-60.

4. That on or about January 21, 1978, and for a long time prior thereto, Plaintiff was engaged in the performance of his duties as an employee of the Defendant as a sheet metal worker at Defendant's locomotive shops at Decatur, Illinois.

5. That Defendant, by and through its duly authorized agents and employees, was then and there guilty of one or more of the following negligent acts or omissions in violation of the Federal Employers' Liability Act:

(a) Failed to provide Plaintiff a reasonably safe place to work;

(b) Failed to provide Plaintiff with safe and suitable tools and equipment.

6. That as a result, in whole or in part, of one or more of the foregoing negligent acts or omissions, Plaintiff sustained severe and permanent injuries to his lungs, resulting in disability and disfigurement and which has caused and will cause him in the future to suffer great pain and mental anguish; and he has lost and will in the future lose earnings he otherwise would have earned but for his injury; and he has been and will in the future be compelled to obligate himself for medical aid and attention; and his future earning capacity has been seriously diminished thereby, All To The Damage of the Plaintiff in such sum in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00).

WHEREFORE, Plaintiff prays judgment against the Defendant, NORFOLK AND WESTERN RAILWAY COMPANY, a corporation in such sum in excess of FIFTEEN THOUSAND DOLLARS (\$15,000.00), and costs of suit.

WAYNE BOGGS

PAUL L. PRATT, P.C.

NOTE: PLAINTIFF DEMANDS
TRIAL BY JURY OF
THIS CAUSE.

BY

JOHN T. PIERCE, JR.
Attorneys for Plaintiff
Route 111 at Airline Drive
P. O. Box 179
East Alton, IL 62024.
Telephone: 618/259-8011