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HIGHLIGHTS

Premises Liability — Trucker Falls in Icy CSX Parking Lot — Massachusetts Jury Returns Defense Verdict. The plaintiff arrived at CSX's Framingham yard at about 7:30 a.m. on January 3, 2003 and began to load his vehicle transport rig with cars. At about 9:00 a.m., he was inspecting a vehicle prior to loading it when he slipped on ice and/or snow in the parking lot, and twisted his back. According to plaintiff, the incident resulted in lumbar strain and a herniated disc at L4-L5 which required laminectomy and discectomy. He was left with radiating pain down his leg which permanently disabled him from employment as a truck driver. His suit claimed that the lot was covered with thick, rutted, dirty ice which had embedded tire marks and footprint, all of which were obscured by freshly fallen snow. The defense denied liability and claimed that plaintiff was comparatively negligent in that he (along with other truck drivers) regularly brushed snow and ice from their tractors and trailers onto the ground. The jury returned a defense verdict. **James B. Smith, Jr., v. CSX Transportation, Inc.**, U.S. District Court (MA) No. 1:06-10234. Michael B. Flynn, Michael J. Slitt, Quincy, MA for defendant.