

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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ALEXIS ROMAN, CIVIL ACTION
Plaintiff NO.

VS.

MASSACHUSETTS BAY COMMUTER
RAILROAD COMPANY,

Defendant

DECEMBER 30, 2009

_____X

COMPLAINT

NATURE OF ACTION

1. The plaintiff brings this action against the defendant for injuries suffered by him while in the employ of the defendant Railroad.

JURISDICTION

2. This Court has subject matter jurisdiction in this case pursuant to the Federal Employers' Liability Act, 45 U.S.C. §51 *et seq.* Venue properly lies in this Court pursuant to 45 U.S.C. §56.

PARTIES

3. The plaintiff is of Hyde Park, Massachusetts.

4. The defendant, Massachusetts Bay Commuter Railroad Company, (hereinafter referred to as defendant Railroad), is a railroad corporation duly established by law.

FACTS

5. During all times herein mentioned, the defendant Railroad was a common carrier engaged in the business of interstate commerce.

6. At the time the plaintiff received the injuries complained of, he was employed by the defendant Railroad as a Conductor.

7. At the time the plaintiff received the injuries complained of, the defendant Railroad was engaged in interstate commerce and the plaintiff was employed in furtherance of said commerce.

8. On or about September 15, 2009, the plaintiff was engaged in his duties as a Conductor at or about Boston, Massachusetts, which yard, lines, tracks, rails, engines, trains, and all other equipment and appliances appurtenant thereto were operated and/or controlled and/or maintained by the defendant Railroad.

9. At the time the plaintiff received the injuries complained of, the defendant Railroad's engineer failed to stop the train which struck the metal bumper at the end of the track at South Station.

10. The defendant Railroad, its agents, servants, and employees were negligent in one or more of the following ways:

- a) failing to stop the train before colliding into the metal bumper at the end of the track;
- b) the defendant's engineer carelessly misjudged the stopping distance and hit the metal bumper post at the end of the track.

11. As a result of the negligence of the defendant Railroad, its agents, servants, and employees, the plaintiff was injured.


12. As a result of the failure of the defendant Railroad, its agents, servants, and employees to use reasonable care to provide the plaintiff with a safe place in which to work, the plaintiff was injured.

13. As a result of the said injuries, the plaintiff has lost wages and benefits, incurred medical expenses, and suffered physical pain and mental anguish.

WHEREFORE, in order to fairly and justly compensate the negligently injured plaintiff and thereby promote safe operating conditions on the defendant Railroad, the plaintiff demands a judgment for damages against the defendant Railroad in addition to any further relief the Court deems just and equitable.

PLAINTIFF DEMANDS TRIAL BY JURY.

By his attorneys,

By 
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