

05-746 NORFOLK SOUTHERN RAILWAY CO. V. SORRELL

DECISION BELOW:170 SW3d 35

LOWER COURT CASE NUMBER: ED84268

QUESTIONS PRESENTED:

1. Whether the court below erred in determining -- in conflict with this Court and multiple courts of appeals -- that the causation standard for employee contributory negligence under the Federal Employers Liability Act ("FELA ") differs from the causation standard for railroad negligence.
2. Whether, under the comparative negligence scheme of FELA, state courts may rely upon a jury instruction and verdict form mandated by state law that make it impossible for defendants and courts to determine whether and to what extent a jury found contributory negligence on the part of the plaintiff, and which treat FELA defendants differently from all other litigants.

Cert. Granted 5/15/2006

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.