



**In the Missouri Court of Appeals  
Eastern District**

**OPINION SUMMARY  
MISSOURI COURT OF APPEALS EASTERN DISTRICT**

CAROL ECKELKAMP, Conservator of the ) ED92018  
Estates of Mitchell Heimann and Melanie Heimann, )  
and DENISE HEIMANN, Individually, )  
and LOUIS HEIMANN and MARY HEIMANN, )  
)  
Plaintiffs/Appellants, ) Appeal from the Circuit Court  
) of the City of St. Louis  
v. )  
)  
BURLINGTON NORTHERN SANTA FE ) Honorable David C. Mason  
RAILWAY COMPANY, )  
)  
Defendant/Respondent. ) Filed: November 3, 2009

Carol Eckelkamp, Conservator of the estates of Mitchell Heimann and Melanie Heimann, and Denise Heimann, individually, and Louis Heimann and Mary Heimann (Appellants) appeal from the judgment of the trial court entered upon a jury verdict on Appellants' wrongful death claim against Burlington Northern Sante Fe Railway Company (Respondent).

REVERSED and REMANDED.

Division Two Holds: The trial court committed reversible error by allowing Respondent to display a statute to the jury setting forth a motorist's duty at a railroad crossing, with a criminal penalty and misdemeanor classification for violation thereof, in a civil negligence case.

Opinion by: PER CURIAM.

Attorneys for Appellants: Ronnie L. White, Thomas E. Schwartz, Stephen H. Ringkamp, and Theresa A. Appelbaum

Attorneys for Respondent: Thomas E. Jones, Harlan A. Harla, Booker T. Shaw, and Crystal M. Campbell

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.**