

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

STEPHEN PAYTON, Plaintiff/Appellant,	)	No. ED97480
v.	)	Appeal from the Circuit Court
UNION PACIFIC RAILROAD COMPANY,	)	of St. Louis County
Defendant/Respondent.	)	Honorable John A. Ross
	)	Date: February 5, 2013

Plaintiff appeals from a judgment in defendant's favor entered on a jury verdict in favor of defendant on plaintiff's Federal Employers' Liability Act count and on a directed verdict in favor of defendant on plaintiff's Locomotive Inspection Act (LIA) count.

AFFIRMED.

Division Two Holds:

1. The trial court did not err in directing a verdict on the LIA count because plaintiff failed to establish a causative link between defendant's violation of 49 CFR § 229.119(a) and plaintiff's injury.
2. Plaintiff failed to preserve for review his claim that evidence of retirement-age eligibility violated the collateral source rule.

Opinion by: Kathianne Knaup Crane, P.J.
Mary K. Hoff, J. and Lisa Van Amburg, J., concur.

Attorney for Appellant: Drew C. Baebler

Attorneys for Respondent: Stephen M. Buckley and Ann E. Buckley

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.
