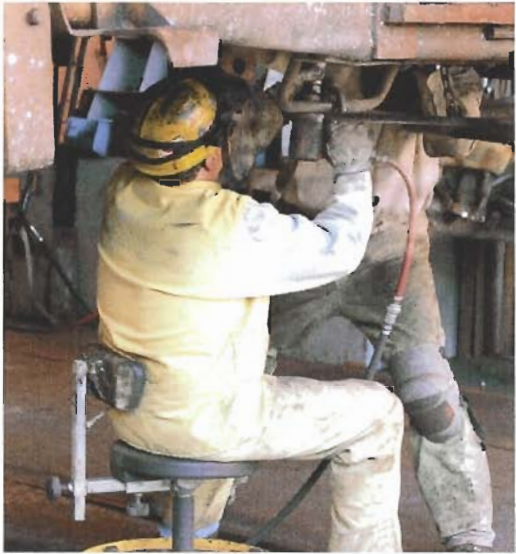




DESOTO CARSHOP NEWS



Shoulder Injuries on the Rise



Faerber & Anderson successfully settle multiple cases for shoulder injuries.

MOST people think that a repetitive shoulder tear injury occurs only from extreme force, such as a professional pitcher experiences in throwing a hundred-mile-an-hour curve ball day after day. And so the railroad would have its employees believe.

In fact, because of the increasing incidence of railroad employees experiencing shoulder pain, Union Pacific Railroad has spent more than \$50,000 to hire "experts" to come in and study the Desoto car shop. These "experts" spent several days filming employees at work, under orders from James Ross and the UP legal and claims departments.

They examined 10 random seconds of each hour of film to conclude that: 1) UP carmen only work an average of a couple hours a day, 2) carmen don't use tools very often or work with their arms raised, so 3) the shoulder injuries occurring in the Desoto shop must be caused by AGE.

The truth is that studies reported by the National Institute of Safety and Health (NIOSH) have shown that even as little as ONE HOUR a day doing repetitive work with raised arms can lead to cumulative shoulder injury. In addition, it is not just overhead work that puts a strain on the shoulder.

Doctors, scientists, and NIOSH all agree that working with the arms raised greater than 60° (degrees) can damage the shoulders over time. Holding your arms out straight in front of the body, perpendicular to the floor creates a 90° angle. Any repetitive or prolonged work with arms raised 60° or above puts strain on the rotator cuff, muscles and joints. Adding a heavy tool, vibration or rotating movement of the arms only worsens the problem.

When several carmen from the Desoto shop needed shoulder surgery, Union Pacific denied the problem could be coming from work, and the settlements they offered were a joke!

On behalf of multiple injured clients, Faerber & Anderson set about proving that the number of shoulder injuries in Desoto was no coincidence. Hiring their own team of experts, the lawyers spent hours inspecting the working conditions in the shop. They proved that simple safety measures could help alleviate many of the harmful shoulder stressors, such as arm supports. Faerber spent many hours meeting with and depositing treating physicians to develop necessary causation evidence. Anderson researched volumes of scientific literature to defeat UP's experts. Faerber & Anderson prevailed, obtaining the highest shoulder settlements ever - fair value for a career-ending injury.

