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SOUTHEAST MISSOURI PLAINTIFF AWARDED \$20 MILLION IN JUDGEMENT AGAINST BURLINGTON NORTHERN

For immediate release

Cape Girardeau, MO – A Stoddard County jury has awarded \$20 million to the family of a Steele, Mo. man who was killed in 2012 in a BNSF Railway Co. train collision.

Fifty-three-year-old Scott Spence, a well-known Bootheel area businessman, died after his Chevrolet Silverado pickup truck was struck by a northbound Burlington Northern Santa Fe freight train at an unguarded crossing in Pemiscot County.

The crossing at County Road 470, where the collision occurred, is marked solely by passive railroad crossbuck signs, without active flashing lights, bells or crossing gates to warn of oncoming trains. The county road crosses the tracks at an extreme angle, creating a hazardous intersection further obstructed by vegetative growth and other visual obstacles.

“There were many near misses at this unprotected crossing prior to 2012. It was clear that this crossing did not meet industry standards. BNSF had hundreds of opportunities to correct the danger, but they continued to gamble with lives, and the death of Mr. Spence was the sad result,” said Cape Girardeau attorney J. Michael Ponder, who represents the family of Scott Spence.

“The jury understood that safety cannot be sacrificed for money,” said Ponder. “This lawsuit was about accountability, to ensure additional lives aren’t endangered merely to protect BNSF’s bottom line. We’re happy the jury held BNSF responsible for their actions by awarding this verdict.”

In a joint written statement, the family of Scott Spence said:

“The Spence family is very thankful for the jury’s service. The family brought this case in order to hold BNSF accountable and hopefully prevent any future tragedies

at dangerous railroad crossings. We all sincerely hope that BNSF will take this verdict as a signal it must improve its railroad crossings by cutting back vegetation so that trains are clearly visible and by installing lights and gates so they are safe for the public.”

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About Cook, Barkett, Ponder and Wolz:

Cook, Barkett, Ponder & Wolz is a personal injury firm based in Cape Girardeau, Mo., with experience in the federal courts, the Courts of Appeals and the state court systems. We have litigated cases from Kansas City to Cape Girardeau and from Arizona to Philadelphia. Our practice is centered around litigation for injury victims and for small business. Learn more at www.cbpw-law.com.