

Kentucky Trial Court Review

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Civil Jury Verdicts

Complete and timely coverage of civil jury verdicts including circuit, division, presiding judge, parties, case number, attorneys and results.

Train Crossing Negligence - The plaintiff, age 63 and a beloved local math teacher, was struck and killed at a train crossing – her estate alleged the crossing was extra-hazardous, it was fouled by vegetation and the horn had not been properly sounded – incredibly during the trial there was a mistrial motion made (denied) after there was a fatal train crossing event in the county – ultimately the jury rejected two of the three claims and while finding the horn was not properly sounded, it concluded that failure was not a substantial factor in causing the collision

Minton v. Paducah & Louisville Railway, 19-207

Plaintiff: Timothy C. Gaarder and John S. Carroll, *David Bethune & Jones*, Kansas City, MO and Thomas H. Goff, *Goff & Goff*, Leitchfield
Defense: Miller Grumley and David T. Riley, *Grumley Riley & Stewart*, Paducah

Verdict: Defense verdict on causation

Court: **Grayson**

Judge: Bruce T. Butler

Date: 5-26-23

Phyllis Minton, age 63, was a beloved member of the Leitchfield-Grayson County community. She was a long-time math teacher and



The scene as Minton would have approached the crossing

well-liked grandmother. Her connections in the community were significant and deep.

On the afternoon of 9-28-18 Minton went to visit her daughter. Her daughter lives on Blackrock Road which is north of U.S. 62. The dead-end Blackrock Road intersects a P&L Railway crossing. P&L Railway operates a 66-foot right-of-way on Blackrock with 33-feet of access on each side. The crossing has no warning lights or gate. It is a typical rural crossing that just has a crossbuck.

As Minton approached the crossing that afternoon in her Honda sedan, a P&L Railway train was headed east. It consisted of two locomotives and an empty train car. The train was traveling at 33 mph which is not excessive for the area.

Minton approached the crossing and her vehicle slowed from 19 mph to 6 mph. The events of the crash were captured on the train's locomotive. Minton apparently never observed the

train.

The conductor saw Minton proceed in front of the train and had just enough time to hit the brakes a moment before impact. The train struck the Honda and Minton sustained catastrophic injuries including a skull fracture. She was pronounced dead at the scene. There was no evidence Minton endured conscious pain and suffering. She was survived by her husband of 45 years, Kenneth.

The Minton estate sued P&L Railway and alleged several tortious counts regarding this fatal collision. They included an allegation that the train's horn was not sounded. This was confirmed by two witnesses at the scene, Minton's son-in-law and his friend. Thus it was argued this violated a regulation that described how a horn must be sounded in a specific pattern approaching a crossing.