

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL ELLIOTT,

Plaintiff,

v.

BNSF RAILWAY COMPANY, a
Delaware corporation,

Defendant.

CASE NO. C14-5054RBL

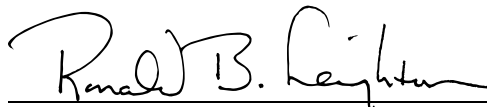
AMENDED ORDER ON MOTION
FOR JUDGMENT AS A MATTER
OF LAW AND NEW TRIAL

THIS MATTER is before the Court on Defendant BNSF Railway Company's Renewed Motion for Judgment as a Matter of Law and Motion for a New Trial [Dkt. #131]. The Court has reviewed the arguments for and against said motions and **DENIES** both motions. The Court is satisfied that there is sufficient evidence supporting the jury's verdict in this case. The disciplinary proceedings mounted against Michael Elliott were seriously flawed. BNSF executive personnel displayed personal animosity against Mr. Elliott. Mr. Kautzmann staged the conflict that ultimately precipitated the final decision to terminate Mr. Elliott. The Court cannot

1 find any reason to tamper with the decision of the jury. The jury was convinced that BNSF
2 targeted Elliott for discipline, at least in part, for his gadfly approach to safety issues.

3 Defendant's Renewed Motion for Judgment as a Matter of Law and Motion for a New
4 Trial [Dkt. #131] is **DENIED**.

5 Dated this 2nd day of October, 2015.

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8 Ronald B. Leighton
9 United States District Judge
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