

FILED: August 14, 2013

IN THE COURT OF APPEALS OF THE STATE OF OREGON

KEVIN ANTHONY HOWARD,
Plaintiff-Appellant,

v.

BNSF RAILWAY COMPANY,
a corporation,
Defendant-Respondent.

Multnomah County Circuit Court
091014387

A148899

Jean Kerr Maurer, Judge.

Argued and submitted on July 08, 2013.

Stephen C. Thompson argued the cause for appellant. On the briefs was Robert K. Udziela.

Thomas M. Christ argued the cause for respondent. With him on the brief was Cosgrave Vergeer Kester LLP.

Before Schuman, Presiding Judge, and Wollheim, Judge, and Duncan, Judge.

PER CURIAM

Affirmed. *Baggarley v. Union Pacific Railroad Company*, 246 Or App 624, 268 P3d 650 (2011); *McCoy v. Union Pacific Railroad Co.*, 102 Or App 620, 796 P2d 646 (1990).