

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JAMES W. WOMACK

PLAINTIFF

v.

Case No. 4:09-CV-04116

UNION PACIFIC RAILROAD COMPANY

DEFENDANT

ORDER

Before the Court is a Motion for Summary Judgment filed by Defendant Union Pacific Railroad Company. (ECF No. 35). Plaintiff has filed a response (ECF No. 49) and Defendant has replied. (ECF No. 52). Upon consideration, for the reasons set forth in the Memorandum Opinion of even date, the Court finds that the motion should be and hereby is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff's claim under the Federal Safety Appliance Act, 49 U.S.C. § 20301 *et seq.*, is hereby **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED, on this 26th day of March, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge