



WHY IS IT SO IMPORTANT TO CHOOSE MY OWN DOCTOR?

- The elements of an FELA case consist of liability, causation and damages. In order to even have a jury consider and award damages, the jury must find the railroad to be at least partially at fault for the incident ***and*** that the fault of the railroad caused, in whole or in part, the plaintiff's injuries and damages.
- The treating physician is critical to the last two elements in the case: **CAUSATION and DAMAGES.**
- The plaintiff's treating physician must be able to provide testimony to a reasonable degree of medical certainty or probability (more likely than not based on the physician's education, training, experience and treatment of the plaintiff) that the incident plaintiff sustained on the railroad caused, in whole or in part, plaintiff's injuries and resulting disability and injury which, in turn, leads to calculation of wage loss, the loss of benefits and future medical treatment.
- If the plaintiff uses a railroad recommended or oriented physician, most likely that physician will testify that the incident at issue either (a) did not cause any significant injury to the individual or (b) the injuries complained by the plaintiff were pre-existing due to old age or prior injury unrelated to the railroad injury. This effectively will mean the plaintiff's case is worth "zero" if the jury finds that the railroad incident was not the cause of plaintiff's claimed injuries and damages.
- A physician that will not cooperate with the litigation process is almost as bad. This type of physician usually will not speak with lawyers. This leaves their testimony subject to subpoena only and is a crap shoot at the trial.
- We are able to either provide names of the treating physicians **known** to be an advocate for the injured railroad worker or be able to research a particular provider within our network to find out what type of practitioner and advocate a particular doctor is.
- While it is fine to initially see your family physician, it is always wise to ask your DLC regarding any specialist that will be involved in care and treatment after a railroad injury.

CHOOSE YOUR OWN DOCTOR WITH DLC ASSISTANCE YOUR UNION DESIGNATED LEGAL COUNSEL

Rossi Cox Vucinovich Flaskamp PC TF Office (866) 900- FELA (3352) www.rcvpc.com
Anthony A. Eden Investigator (OK, TX, KS, MO, NM) (405) 517-4450 aedenretired@aol.com
Scott M. Gibson Investigator (NM, TX, AZ) (575) 749-5144 srgibson@3lefties.com