

Fifth Circuit Court of Appeal
State of Louisiana

No. 25-CA-596

GERALD CASTEEL, AMBER CASTEEL AND MICHAEL HARRY

versus

FRANK J. LEBOUF, REZENBERGER, INC., ACE AMERICAN INSURANCE COMPANY AND
BNSF RAILWAY COMPANY

ON APPEAL THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 831-252, DIVISION "J"
HONORABLE STEPHEN C. GREFER, JUDGE PRESIDING

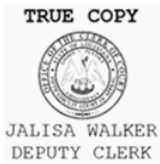
August 28, 2026

TIMOTHY S. MARCEL
JUDGE

Panel composed of Judges Susan M. Chehardy,
Fredericka Homberg Wicker, and Timothy S. Marcel

AFFIRMED; WRIT DENIED

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FHW



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MARCEL, J.

In this case brought by railroad employees against their employer and a third-party transportation company under both Louisiana state law and the Federal Employers' Liability Act ("FELA"), plaintiffs seek review of a September 19, 2025 judgment of the trial court granting a partial motion for summary judgment filed by the defendants and dismissing with prejudice plaintiffs' state law claims. Presented is a question not previously answered in reported state or federal jurisprudence - whether a railroad worker injured in the course and scope of employment may simultaneously pursue claims for damages under FELA and state law for the same injuries. The trial court, in granting summary judgment, determined that FELA is the exclusive remedy for plaintiffs to recover damages against their railroad employer and its agent. For the following reasons, we affirm the judgment of the trial court.

BACKGROUND

This case arises from an April 1, 2022 automobile accident on US Highway 90 in Jefferson Parish, Louisiana involving two railroad employees, Mr. Gerald Casteel and Mr. Michael Harry, who were guest passengers in an automobile van operated by Mr. Frank J. Lebouef and owned by Rezenberger, Inc. At the time of the accident, Mr. Lebouef was transporting Mr. Casteel and Mr. Harry pursuant to a contract for employee transport between their employer, BNSF Railway Company, and Rezenberger.

Mr. Casteel and Mr. Harry filed a petition for damages naming as defendants Mr. Lebouef, Rezenberger, its insurer Ace American Insurance Company, and their employer BNSF. Specifically against Rezenberger, plaintiffs allege, *inter alia*, negligence, negligence per se, and gross negligence in the operation of the screening, hiring, training, monitoring and supervising of the driver. At the same time, plaintiffs allege that "[t]he sole cause of the subject motor vehicle collision

and Plaintiffs' injuries were the negligent acts or omissions of the Defendant, [Mr.] Lebouef...", the driver of the van in which they were passengers. Plaintiffs asserted no claims against the driver of the other automobile involved in the accident.

Additionally, plaintiffs' petition avers they were in the course and scope of their employment with the railway and brought claims pursuant to the Federal Employers' Liability Act, 28 U.S.C. §1445.¹ Plaintiffs sought to recover damages for past, present, and future physical pain and suffering, mental pain and distress, loss of enjoyment of life, medical expenses, loss of earning capacity, disability and impairment, and scarring and disfigurement. Mr. Casteel's wife, Mrs. Amber Casteel, also joined in this petition asserting a claim for loss of consortium under Louisiana Civil Code Article 2315 as a result of her husband's injury.

Plaintiffs subsequently filed a First Supplemental and Amending Petition for Damages in which they additionally asserted that Mr. Lebouef was intoxicated at the time of the accident and that this was the cause-in-fact of the motor vehicle accident and their injuries. Plaintiffs asserted additional claims for exemplary damages as permitted under Louisiana Civil Code art. 2315.4. Plaintiffs claim further that all defendants, including BNSF Railway Company, are directly, vicariously, and *in solido*, liable for these exemplary damages.

Defendants filed an answer generally and specifically denying plaintiffs' allegations and asserting affirmative defenses including contributory negligence from the driver of the other vehicle and federal preemption.²

On July 23, 2025, defendants filed a motion for partial summary judgment seeking the dismissal of Mr. Casteel and Mr. Harry's state law tort claims, arguing

¹ Plaintiffs make no specific factual allegations as to any acts or omissions of BSNF that caused, directly or indirectly, plaintiffs' injuries.

² Ace American Insurance Company filed its answer separately from other defendants, but joined in the filing of the motion for partial summary judgment discussed *infra*.

that, as railroad workers, their sole remedy is for claims governed by the Federal Employers' Liability Act. Defendants also moved to dismiss Mrs. Casteel's claim for loss of consortium because such claims for nonpecuniary damages are not allowed under FELA. Plaintiffs filed an opposition to this motion in which they argued that their state law claims are not preempted by FELA. Following the hearing, the trial court on September 19, 2025 granted the partial motion for summary judgment and dismissed with prejudice all claims brought by plaintiffs under Louisiana state law, including but not limited to those claims for loss of consortium and exemplary damages.

Plaintiffs Mr. Casteel and Mr. Harry filed an application for supervisory writs seeking review of this judgment, No. 25-C-488, which this Court called up and set for argument and briefing pursuant to La. C.C.P. art. 966(H). Plaintiff Mrs. Casteel, whose claims were dismissed entirely, filed an appeal from this judgment, No. 25-CA-596, which this Court also set and heard as per the regular rules for appeals. Both the appeal and the writ raise the same assignment of error, namely that the district court erred in granting the partial motion for summary judgment and dismissing plaintiffs' state law tort claims because the FELA does not preempt or preclude such claims against non-railroad, non-employer *Sinkler* agents. We consider this argument in our discussion below.

DISCUSSION

Standard of Review

Appellate courts review summary judgments *de novo* using the same criteria that govern the trial court's determination of whether summary judgment is appropriate. *Cantrelle v. Brady*, 22-272, (La. App. 5 Cir. 2/27/23), 359 So.3d 85 (citing *In re Succession of O'Krepki*, 16-50 (La. App. 5 Cir. 5/26/16), 193 So.3d 574, 577). A motion for summary judgment should be granted if, after an adequate opportunity for discovery, the motion, memorandum, and supporting documents

show that there is no genuine issue as to material fact and that the mover is entitled to judgment as a matter of law. La. C.C.P. art. 966(A)(4). The burden of proof rests with the mover. La. C.C.P. art. 966(D)(1). Nevertheless, if the mover will not bear the burden of proof at trial on the issue that is before the court on the motion for summary judgment, the mover's burden on the motion does not require him to negate all essential elements of the adverse party's claim, but rather to point out to the court the absence of factual support for one or more elements essential to the adverse party's claim. *Id.* The burden is on the adverse party to produce factual support sufficient to establish the existence of a genuine issue of material fact or that the mover is not entitled to judgment as a matter of law. *Id.*

Assignment of Error

On appeal and in their writ application, plaintiffs argue that the district court erred in granting the motion for summary judgment and dismissing plaintiffs' state law tort claims because "FELA does not preempt or preclude such claims against non-railroad, non-employer *Sinkler* agents."³

The Federal Employers' Liability Act and Sinkler

We begin our analysis of appellants' claim with a close examination of both FELA and the United States Supreme Court's ruling in *Sinkler v. Missouri Pac. R. Co.*, 356 U.S. 326, 78 S.Ct. 758, 2 L.Ed.2d 799 (1958).

In response to mounting concern about the number and severity of railroad employees' injuries, Congress in 1908 enacted the Federal Employers' Liability Act to provide a compensation scheme for railroad workplace injuries, pre-empting state tort remedies. *Norfolk S. Ry. Co. v. Sorrell*, 549 U.S. 158, 165, 127 S.Ct. 799, 805, 166 L.Ed.2d 638 (2007) (citing *Second Employers' Liability Cases*, 223 U.S. 1, 53-55, 32 S.Ct. 169, 56 L.Ed. 327 (1912)). FELA provides for concurrent

³ Throughout their brief, appellants use the terms "preempt" and "preclude" interchangeably with no apparent appreciation of the legal doctrine of preemption.

jurisdiction of the state and federal courts in 45 U.S.C.A. §56, although substantive actions under FELA are governed by federal law. *Id.* (citing *Chesapeake & Ohio R. Co. v. Stapleton*, 279 U.S. 587, 590, 49 S.Ct. 442, 73 L.Ed. 861 (1929)).

Absent express language to the contrary, the elements of a FELA claim are determined by reference to the common law. *Id.* at 166 (citing *Urie v. Thompson*, 337 U.S. 163, 182, 69 S.Ct. 1018, 93 L.Ed. 1282 (1949)). Unlike a typical workers' compensation scheme, which provides relief without regard to fault, Section one of FELA provides a statutory cause of action sounding in negligence. *Id.* The standard of liability for accidents to railroad employees, as provided under 45 U.S.C.A. § 51, states in pertinent parts the following:

Every common carrier by railroad while engaging in commerce between any of the several States ... shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce ... for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

In its interpretation of this Section, the Supreme Court has emphasized that the language “resulting in whole or in part” creates a general standard for causation in FELA cases more relaxed than the “proximate cause” standard required under most states’ common law. *CSX Transp., Inc. v. McBride*, 564 U.S. 685, 692, 131 S.Ct. 2630, 2637, 180 L.Ed.2d 637 (2011).⁴ “The law was enacted because the Congress was dissatisfied with the common-law duty of the master to his servant. The statute supplants that duty with the far more drastic duty of paying damages for injury or death at work due in whole or in part to the employer’s negligence. The employer is stripped of his common-law defenses and for practical purposes

⁴ In actions brought under the Federal Employer’s Liability Act, federal law, and not state law, is applicable. *Dufour v. Union Pac. R. Co.-Missouri Pac. R. Co.*, 610 So.2d 843, 845 (La. App. 1st Cir. 1992), writ denied 614 So.2d 1263 (La.1993); *Groves v. Illinois Cent. Gulf R. Co.*, 563 So.2d 496, 498 (La. App. 4th Cir. 1990), (citing *Monessen Southwest Ry. Co. v. Morgan*, 486 U.S. 330, 108 S.Ct. 1837, 100 L.Ed.2d 349 (1988)); *Broussard v. Missouri Pac. R. Co.*, 376 So.2d 532, 537 (La. App. 3d Cir. 1979).

the inquiry ... rarely presents more than the single question of whether negligence of the employer played any part, however small, in the injury or death which is the subject of the suit.” *Rogers v. Missouri Pac. R. Co.*, 352 U.S. 500, 508, 77 S.Ct. 443, 449, 1 L.Ed.2d 493 (1957); see also *Armstrong v. Kansas City S. Ry. Co.*, 752 F.2d 1110, 1113 (5th Cir. 1985).

The Supreme Court has also interpreted the language of § 51 to mean that FELA does not authorize apportionment of fault among all potential tortfeasors; rather, it provides for railroad employers to be held jointly and severally liable for injuries caused in part by the negligence of third parties. *Norfolk & W. Ry. Co. v. Ayers*, 538 U.S. 135, 162, 123 S.Ct. 1210, 1226, 155 L.Ed.2d 261 (2003).⁵ In other words, under FELA, an employee who suffers an “injury” caused “in whole or in part” by a railroad’s negligence may recover his or her full damages from the railroad, regardless of whether the injury was also caused “in part” by the actions of a third party. *Id.* at 165-66; see also *Schadel v. Iowa Interstate R.R., Ltd.*, 381 F.3d 671, 675 (7th Cir. 2004).⁶

In *Sinkler*, the Supreme Court considered whether a railway switching crew employed by Houston Belt & Terminal Railway Company, who were at fault for a violent collision, were operating as an “agent” of the Missouri Pacific Railroad

⁵ In *Ayers*, the Supreme Court also noted 45 U.S.C.A. § 53, which allows for a diminution of damages in FELA cases where there is found contributory negligence on the part of the employee. *Ayers*, 538 U.S. at 161 (“...the Act expressly directs apportionment of responsibility between employer and employee based on comparative fault.”) While defendants in this case asserted an affirmative defense of comparative fault in their answer, there are no factual assertions that plaintiffs caused the subject motor vehicle accident. Defendants assert instead that the accident was caused solely by the negligence of the driver of the other vehicle.

⁶ The rule of joint and several liability under FELA differs from the law on the obligations of joint tortfeasors set forth in Louisiana Civil Code Article 2324. Under that statute, joint and several liability, or, as it is known in the civil law, an obligation *in solido*, is preserved for intentional or willful tortfeasors; however, the 1996 amendments to that statute abolished solidary liability among non-intentional tortfeasors. *Dumas v. State ex rel. Dep't of Culture, Recreation & Tourism*, 02-0563, p. 12 (La. 10/15/02), 828 So.2d 530, 537. Under the current version of Article 2324, the fault of every person responsible for a plaintiff’s injury must be compared, and each non-intentional tortfeasor is liable only for his own share of fault, which must be quantified pursuant to La. C.C. art. 2323. *Id.*

Company, the employer of the injured plaintiff. 356 U.S. 326. The appellate court had determined that Belt Railway was an independent contractor under a lawful contract with Missouri Pacific to do the switching operations, and therefore not an “agent” because the doctrine of respondeat superior does not extend to independent contractors. *Id.* at 328. The Supreme Court reversed this decision, holding that “when a railroad employee’s injury is caused in whole or in part by the fault of others performing, under contract, operational activities of his employers, such others are ‘agents’ of the employer withing the meaning of FELA.” *Id.* at 331-2. Specifically, the Court reasoned, “...it was the conception of this legislation that the railroad was a unitary enterprise... Hence a railroad worker may recover from his employer for an injury caused in whole or in part by a fellow worker, not because the employer is himself to blame, but because justice demands that one who gives his labor to the furtherance of the enterprise should be assured that all combining their exertions with him in the common pursuit will conduct themselves in all respects with sufficient care that his safety while doing his part will not be endangered.” 356 U.S. at 330.

Parties in the case *sub judice* do not dispute that Rezenberger and its employee Mr. Lebouef, who were contracted by BSNF to provide transportation for its employees, were acting as “agents” of the railroad as the meaning of that term was defined by the Supreme Court in *Sinkler*.

Federal Preemption of State Law Tort Claims

We now turn to the primary assertion stated in appellants’ assignment of error: that FELA does not preempt or preclude state law tort claims brought by injured railroad employees against non-railroad, non-employer *Sinkler* agents.

While appellants claim this case presents “an important question of law and statutory interpretation” and, additionally, make many assertions about what FELA

does and does not allow, their brief contains neither a preemption analysis⁷ nor an interpretive analysis using our standard rules of interpretation.⁸ Appellants fail to even provide the text of 45 U.S.C.A. § 51, the statute at issue.

Instead, appellants either make affirmative statements of law with no citation to authority (e.g. “Nothing in the FELA transforms Sinkler agents into the railroad employer, and the application of a FELA claim against a railroad does not bar direct actions against railroad Sinkler agents under state law. [no citation]”), or make affirmative statements of law that are not supported by the cases cited. For example, appellants state, “FELA neither applies to nor precludes claims against non-railroad third parties” by which they mean that their state law tort claims against Rezenberger and Mr. Lebeouf, the alleged tortfeasors, are not covered by the FELA.⁹ As correctly pointed out by appellees in their opposition, none of the cases cited by appellants support this assertion.

Of the cited cases, the *Armstrong* case in particular deserves closer examination because the facts presented there are analogous to those presented here. In that case, Armstrong, a brakeman employed by Louisiana & Arkansas Railway Co. (“L&A”), was entering a taxicab with a fellow employee on his way to the railroad’s yard office when the taxicab was rear-ended by another motorist. 752 F.2d at 1112. Armstrong filed suit against the railroad, his employer, under FELA for injuries he sustained while in the cab owned and operated by Miller Cab

⁷ See, e.g., the Louisiana Supreme Court’s preemption analysis in *State v. Sarrabea*, 13-1271 (La. 10/15/13), 126 So.3d 453 (citing *Arizona v. United States*, 567 U.S. 387, 132 S.Ct. 2492, 183 L.Ed.2d 351 (2012)).

⁸ See La. C.C. arts. 9-15.

⁹ In support of this claim, appellants cite: *Stephens v. Southern Pacific Transp. Co.*, 991 F.Supp. 618, 620 (S.D. Tex. 1998); *Armstrong v. Kansas City Southern Ry. Co.*, 752 F.2d 1110 (5th Cir.1985); *O’Byrne v. St. Louis Southwestern Ry. Co.*, 632 F.2d 1285 (5th Cir. 1980); *Smith v. Illinois Central R.R. Co.*, 486 F.2d 943 (5th Cir. 1973); *Fort Worth & D. Ry. Co. v. Threadgill*, 228 F.2d 307, 311–12 (5th Cir. 1955); *Gaulden v. Burlington Northern, Inc.*, 232 Kan. 205, 214, 654 P.2d 383, 391 (Kan. 1982).

Company that had been summoned by L&A for his transportation. *Id.* He alleged that the cab driver had been negligent in parking the cab and in failing to turn on his emergency flashing lights so as to prevent the rear-end collision. *Id.*

Armstrong's employer, the railroad L&A, filed a third-party indemnity claim against Miller under Louisiana state law. *Id.* Following a trial on the claims, the jury returned a verdict in favor of Armstrong on his FELA claim but dismissed L&A's indemnity claim against Miller. *Id.* at 1113. In affirming the judgment, the Fifth Circuit Court of Appeals clarified that "the FELA action is governed by federal law while the indemnity action is governed by state law." *Id.* at 1115.¹⁰ The Court found that the evidence presented to the jury was sufficient to support the finding under the "some part, however slight" causation standard set forth in the FELA, but not sufficient to support L&A's indemnity claim under Louisiana state law's "proximate cause" causation standard. *Id.*¹¹

Notably for the purposes of analyzing the case before us, Armstrong never filed a claim against Miller, the taxicab company, even though he alleged that the taxicab driver was, at least in part, responsible for his injuries. This is because under FELA, his employer, the railroad L&A, was joint and severally liable with Miller, the railroad's agent, for the cab driver's negligence. Armstrong was able to recover the full extent of his damages from L&A by showing the jury that the cab driver's negligence caused "in some part, however slight" his injuries.

While analogous factually, the *Armstrong* case is distinct procedurally, because it involved a railroad seeking indemnification or contribution from the

¹⁰ For other federal cases recognizing the distinction between federal law as applied to FELA claims and state law applied to indemnity claims brought by the railroad employer, see *Cazad v. Chesapeake & O. Ry. Co.*, 622 F.2d 72 (4th Cir. 1980), and *Kennedy v. Pennsylvania R. Co.*, 282 F.2d 705 (3d Cir. 1960).

¹¹ The Supreme Court has upheld this distinction between the "in whole or in part" negligence standard set forth in FELA and the common law proximate cause standard. *CSX Transp., Inc. v. McBride*, 564 U.S. 685, 131 S.Ct. 2630, 180 L.Ed.2d 637 (2011).

alleged tortfeasor for liability incurred under FELA, while plaintiffs in this case have filed claims against both the railroad and the transportation company. Appellants' argument that their claims against Rezenberger and Mr. Lebouef are analogous to the indemnity claims of L&A (or indemnity claims brought by railroad employers against tortfeasor agents in other FELA suits) is misleading, as is appellants' reference to Rezenberger and Mr. Lebouef as a "third party".¹² From the perspective of an injured plaintiff, the alleged tortfeasor is not a third party, and plaintiffs' claims in this case against Rezenberger and Mr. Lebouef are not "third-party" claims.¹³

Another assertion by appellants, that "FELA's vicarious liability framework neither transforms the railroad into the agent's insurer nor grants the agent tort immunity" is similarly unsupported. A search of FELA cases cited by appellants reveals no references to "tort immunity". Appellants point to the lack of such immunity granting language in the text of FELA statute and in the jurisprudence as proof that defendants were not granted immunity from state law tort claims. This *argumentum ex silentio* is unsound, fallacious reasoning.

¹² Black's Law Dictionary defines a "third party" as "[s]omeone other than the principal parties in a matter; someone who is not a party to a lawsuit, agreement, or other transaction but who is somehow implicated in it." THIRD PARTY, Black's Law Dictionary (12th ed. 2024).

¹³ In *Gaulden v. Burlington Northern, Inc.*, a case cited by appellants in their brief, the Supreme Court of Kansas stated:

FELA does not provide a vehicle for the determination of the fault of a third party, and the act likewise makes no provision for the carrier to recover over against a third party any damages caused by the third party's negligence for which the carrier is statutorily liable to the employee. A railroad's right to recover indemnity or contribution from a third party for liability incurred under FELA depends entirely on state law. [Citations omitted.] FELA, while not providing for contribution, does not prevent the railroad from attempting to recover its losses from a third party. The purpose of FELA, to obligate an employer to pay damages when there is proof that the employer's negligence played any part in causing injury to an employee, is not defeated by permitting the employer to recoup its losses in part or in full from a third party, when circumstances and state law permit. Similarly, the purpose of the act is not defeated by determining the percentage of causal negligence of a third party in an employee's action against a carrier, so long as that determination is not utilized to reduce the recovery of damages to which the employee is entitled under FELA."

232 Kan. at 211.

Appellants rely primarily on what courts have not said or not addressed, while at the same time ignoring nearly one hundred and twenty years of jurisprudence from state and federal courts across the country. In several cases, the United States Supreme Court and the federal Courts of Appeals have found that FELA pre-empts state law tort claims and that state law claims for loss of consortium are not allowed under FELA.

In a collection of cases in which the Supreme Court upheld the constitutionality of the Federal Employers' Liability Act of 1908, the Second Employers' Liability Cases, 223 U.S. 1 (1912), the Court stated:

[P]rior to the present act, the laws of the several states were regarded as determinative of the liability of employers engaged in interstate commerce for injuries received by their employees while engaged in such commerce. But that was because Congress, although empowered to regulate that subject, had not acted thereon, and because the subject is one which falls within the police power of the states in the absence of action by Congress. ... And now that Congress has acted, the laws of the states, in so far as they cover the same field, are superseded, for necessarily that which is not supreme must yield to that which is.

32 S.Ct. at 177. (Citations omitted.)

This very clear expression of the preemption of state law tort claims by FELA in the field of injuries to railroad workers has been reiterated by the Court in subsequent cases:

“[I]t is settled that since Congress, by the act of 1908, took possession of the field of the employer's liability to employees in interstate transportation by rail, all state laws upon the subject are superseded.” *Seaboard Air Line Ry. v. Horton*, 233 U.S. 492, 501, 34 S.Ct. 635, 638, 58 L.Ed. 1062 (1914).

“[W]e may not piece out this act of Congress by resorting to the local statutes of the state of procedure or that of the injury...[FELA] is paramount and exclusive.” *New York Cent. R. Co. v. Winfield*, 244 U.S. 147, 152, 37 S.Ct. 546, 548, 61 L.Ed. 1045 (1917) (quoting *Michigan Cent. R. Co. v. Vreeland*, 227 U.S. 59, 33 S.Ct. 192, 57 L.Ed. 417 (1913)).

“[FELA] establishes a rule or regulation which is intended to operate uniformly in all the states, as respects to interstate commerce, and in

that field it is both paramount and exclusive.” *Erie R. Co. v. Winfield*, 244 U.S. 170, 172, 37 S.Ct. 556, 557, 61 L.Ed. 1057 (1917).

Additional cases from the federal circuits have upheld the dismissal of loss of consortium claims. See *Jess v. Great N. Ry. Co.*, 401 F.2d 535, 536 (9th Cir.1968) (citing *New York Central & Hudson River R. Co. v. Tonsellito*, 244 U.S. 360, 37 S.Ct. 620, 61 L.Ed. 1194 (1917)) (“The Federal Employers’ Liability Act not only provides the exclusive remedy for the recovery by an employee of damage sustained by him as a result of an injury to him, but also governs the recovery by others for damages resulting from such injury.”); and *Anderson v. Burlington N., Inc.*, 469 F.2d 288, 289 (10th Cir. 1972) (“[t]he liability of an interstate railroad carrier to its employees for personal injuries sustained while engaged in interstate commerce is regulated inclusively and exclusively by the Federal Employers’ Liability Act and ... because Congress fully covered the subject, no room exists for state regulation.”).

Allowing plaintiffs to pursue state law tort claims, governed by La. C.C. art. 2315, and FELA claims governed by 45 U.S.C.A. § 51, simultaneously for the same injuries would be inconsistent with the doctrine of preemption and the holdings of the United States Supreme Court and the federal Courts of Appeals.

As a matter of law, we find that plaintiffs’ state law claims are preempted. Furthermore, upon review of the record, we find no genuine issues of fact regarding these claims. Accordingly, the September 19, 2025 judgment of the trial court granting a partial motion for summary judgment filed by the defendants and dismissing with prejudice plaintiffs’ state law claims is affirmed. The writ filed by plaintiffs Mr. Casteel and Mr. Harry is denied, and we remand this case to the district court for further proceedings consistent with our decision herein.

AFFIRMED; WRIT DENIED

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED
IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY
AUGUST 28, 2026 TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES
NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

25-CA-596

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)

HONORABLE STEPHEN C. GREFER (DISTRICT JUDGE)

MARY K. CRYAR (APPELLANT)

JEFFREY REX MCGUIRE (APPELLANT)

GREGORY M. BURTS (APPELLEE)

CLINT EDWIN MCGUIRE (APPELLANT)

MICHAEL B. ALEXANDER (APPELLANT)

PATRICK A. TALLEY, JR. (APPELLEE)

PATRICK M. JUDD (APPELLEE)

R. HARRISON GOLDEN (APPELLEE)

JEREMY T. GRABILL (APPELLEE)

DERRICK G. EARLES (APPELLANT)

MAILED

NO ATTORNEYS WERE MAILED