

Argued and submitted July 8, affirmed August 14, 2013, petition for review denied February 13, 2014 (354 Or 814)

Kevin Anthony HOWARD,
Plaintiff-Appellant,

v.

BNSF RAILWAY COMPANY,
a corporation,
Defendant-Respondent.

Multnomah County Circuit Court
091014387; A148899

309 P3d 1103

Jean Kerr Maurer, Judge.

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).