

FOR IMMEDIATE RELEASE

CONTACT: Malcolm Petrook, 212.366.5033  
marketing@hnrklaw.com

**HOGUET NEWMAN REGAL & KENNEY SECURES WIN FOR THE METROPOLITAN TRANSPORTATION AUTHORITY  
IN SUIT UNDER THE FEDERAL EMPLOYERS LIABILITY ACT**

***U.S. District Judge John Keenan in the Southern District of New York Decides in Favor of the MTA;  
Dismisses Negligence Claim Filed by MTA Police Officer Against the Railroad Under FELA***

NEW YORK, NY – Hoguet Newman Regal & Kenney, LLP secured a dismissal of a lawsuit brought against the New York Metropolitan Transit Authority (MTA) under the Federal Employers Liability Act (FELA), 45 U.S.C. § 51, by an MTA police officer after a bench trial in the Southern District of New York before Judge John F. Keenan.

The plaintiff, MTA Police Officer Nubia Benoit, initially sued her employer, the MTA, alleging 10 different claims of negligence stemming from an injury she claimed to have incurred during an interaction with a homeless man. On November 21, 2016, the Court dismissed nine of those claims on summary judgment. And on July 26, 2017, the Judge found in favor of the MTA on Benoit's sole remaining claim – that the MTA was negligent in partnering her with another officer who failed to properly assist her during that incident. Instead, according to Judge Keenan, the Court determined that Benoit's partner did indeed assist her during the incident and in handcuffing the individual, and the Court found that the MTA was not negligent in partnering the two officers together, or in failing to provide her with a reasonably safe workplace.

According to Hoguet Newman Regal & Kenney Partner Helene Hechtkopf, "What makes this decision so exciting is that the statute under which this case was brought (FELA) sets such a very low standard for what may be deemed "negligent" that it is very easy for employees to sue and win these cases. Congress created FELA at the beginning of the last century to protect workers on the railroads, who had few legal protections. In this instance, the Court correctly held that - despite the low bar for proving negligence in FELA cases - a plaintiff still must prove that the employer was actually negligent and that a railroad worker is not automatically entitled to compensation under the statute just because he or she is injured."

The case was tried before U.S. District Judge John Keenan in the Southern District of New York. Helene Hechtkopf and Miriam Manber represented the MTA at trial.

---

***About Hoguet Newman Regal & Kenney LLP***

*Hoguet Newman Regal & Kenney, LLP (www.hnrklaw.com) is a New York City-based litigation boutique powered by experienced trial lawyers. Founded in 1996, the firm is one of New York's oldest, largest, and most prominent women-owned law firms.*