



Raymond J. Hunter Associate

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Raymond Hunter is an associate in the Litigation Department, the Railroad Practice Group, and the Insurance Services Group. He concentrates his practice primarily in the areas of railroad casualty and premises liability law impacting commercial property owners. Mr. Hunter has extensive experience in litigation and management of Federal Employers Liability Act cases, Federal Railroad Administration compliance-related matters and representation of railroads, commercial property owners and automobile manufacturers.

Mr. Hunter's railroad practice is focused on representation of railroad corporations in civil actions brought by injured employees, trespassers, passengers and third-party contractors. These cases involve casualty claims covering subject matter as wide-ranging and diverse as the railroad industry itself, from the "garden variety" trip and fall cases to the more complex, heavy equipment malfunction and train collision cases involving serious injuries and death to trespassing pedestrians and motorists traversing railway-highway grade crossings. Mr. Hunter has been involved in regular interpretation and application of the relatively large body of railroad-related law which is part and parcel of, for example, the Federal Employers Liability Act, the Federal Safety Appliance Act, the Locomotive Inspection Act, the Pennsylvania Railroad Civil Immunity Act, as well as Federal Railroad Administration regulations and private industry standards and practices.

Mr. Hunter's commercial property practice is focused on representation of commercial property owners in various industries, including food service, retail sales, oil/gas and automotive manufacturing, and their

insurers. These cases involve casualty claims covering a wide-variety of subject matter, including defective walking surfaces, drownings, burns, foreign substances found in food, industry equipment malfunction and failure, structural integrity and failure, and exposure to poisons and toxic substances. Mr. Hunter's involvement in these cases has required regular interpretation and application of the subtle nuances found not only in Pennsylvania, New Jersey and Delaware common law, but also in statutes and administrative codes governing use and development of commercial property and equipment and structures located thereon.

Representative Matters

Railroad Practice

Handled numerous matters in state and federal court at the pre-trial, arbitration, trial and appellate levels on a wide range of liability claims, including those listed below.

- Obtained landmark decision at the trial court level in which the court found that the Railroad Civil Immunity Act (RCIA) departs from the Pennsylvania common law with respect to a railroad's duty to trespassers. Successfully convinced the court to find that the RCIA eliminates the availability of "implied licenses" to enter railroad property as a means to escape trespasser status (appeal pending). Summary judgment entered in favor of the railroad.
- Successfully argued before the Superior Court of Pennsylvania that the "continuing tort" doctrine did not act to toll the 3 year statute of limitations in a Federal Employers Liability Act (FELA) case in which the plaintiff claimed continuous exposure to asthma-aggravating elements in the ventilation system, where evidence supported that plaintiff had notice of the cause of the aggravation more than 3 years prior to bringing suit. Order of the trial court granting summary judgment in the railroad's favor affirmed on appeal.
- Obtained order granting summary judgment in favor of the railroad in a negligent infliction of emotional distress case filed by a woman who witnessed her husband's injury resulting from an allegedly defective railroad structure. Successfully convinced the court to find that, since the underlying tort with respect to the husband, a trespasser, was based on the "willful or wanton" standard of care, the wife's cause of action, which was based on the alleged negligence of the railroad, was not actionable.
- Obtained order granting summary judgment in favor of the railroad in an equipment failure case brought by an injured employee pursuant to the Federal Employers Liability Act (FELA). Obtained a ruling in the railroad's favor and overcame the "high bar" of the FELA's relaxed standard of causation, which allows cases to reach the jury even when involving the most tenuous causal link between the actions of the railroad and the employee's injuries.
- Precluded plaintiff's expert from testifying in a cumulative trauma case on the grounds that the methodology employed by the expert in diagnosing the cause of injury was unreliable under the *Daubert* standards governing admission of expert opinion testimony in federal courts. Faced with

the prospect of proceeding without an expert to support his claims, the ruling forced plaintiff to settle the case for a minimal amount.

Commercial Property Practice

Handled numerous matters in state and federal court at the pre-trial, arbitration, trial and appellate levels on a wide range of liability claims, including those listed below.

- Represented heavy industry commercial property owner sued for the drowning death of a minor who used client's property to access its artificially constructed connection to the Delaware River. Case involved intense research and application of the complex interrelationship between various bodies of law governing riparian rights, the Pennsylvania Recreational Use of Land & Water Act, the rescue doctrine and duties owed to trespassing minors. Case settled after extensive discovery and consultation with expert witnesses.
- Obtained order dismissing case against heavy industry commercial property owner in which the plaintiff, a business invitee on client's property, was killed as result of falling from moving heavy machinery.
- Orchestrated dismissal of action against heavy industry commercial property owner sued by a man who was seriously injured as a result of falling from an allegedly defective bridge/overpass on client's property.
- Represented heavy industry commercial property owner in a case involving a plaintiff who sustained a double amputation of the legs as a result of coming into contact with heavy machinery. After extensive discovery and investigation was conducted, plaintiff was forced to settle for a negligible amount which was inconsistent with the serious and permanent injuries sustained.
- Obtained order dismissing defamation suit against restaurant franchisee in which the plaintiff alleged that the restaurant employees accused plaintiff of attempted robbery and terroristic threats.

Community and Pro Bono

- Brandywine Youth Association: coach and administrator, 2012-present.
- Malvern Basketball League: coach, 2017-present.
- Chesapeake Bay Foundation: member, 2009-present.

Education

- Villanova University School of Law, J.D., 2001
- Northern Arizona University, B.S., Speech Communications, *cum laude*, 1998

Bar Admissions

- Pennsylvania, 2001
- New Jersey, 2001

Court Admissions

- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court, District of New Jersey

Professional Affiliations

- Pennsylvania Bar Association, Member
- Philadelphia Bar Association, Member
- National Association of Railroad Trial Counsel, Member
- Keystone State Railroad Association, Member
- American Short Line & Regional Rail Association, Member
- Delaware County United for Sensible Gun Policy, Member

Practices

- Litigation

Industries

- Insurance
- Railroad