

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael D. Loos,

Case No. 13-cv-3373 (PAM/FLN)

Plaintiff,

v.

ORDER

BNSF Railway Company,

Defendant.

This matter is before the Court on remand from the Eighth Circuit Court of Appeals. After this Court and the Court of Appeals determined that a portion of the jury's award was not subject to taxation under the Railroad Retirement Tax Act ("RRTA"), Defendant petitioned the United States Supreme Court for a writ of certiorari on this issue. The Supreme Court found that the \$30,000 award attributable to lost wages was taxable under the RRTA and reversed. (Docket No. 176-2.) The Court of Appeals subsequently remanded for further proceedings consistent with the Supreme Court's decision. (Docket No. 179.)

Accordingly, **IT IS HEREBY ORDERED** that:

1. This Court's Order of December 15, 2015 (Docket No. 158), is **VACATED in part**; and
2. The damages award will be offset by an additional \$3,765.00 for payment of taxes under the RRTA.

Dated: April 22, 2019

s/ Paul A. Magnuson

Paul A. Magnuson
United States District Court Judge