



3. The Plaintiff was very familiar with the crossing, having driven over the crossing on numerous prior occasions during daylight and darkness.

4. \_\_\_\_\_ Drive was properly marked with an advanced warning sign and pavement markings providing warning of the existence and general location of the crossing.

5. The crossing was protected by railroad crossbuck signs as required by \_\_\_\_\_ law.

6. There was no topographic or environmental characteristic of the crossing, the approach to the crossing from the east or the area in the immediate vicinity of the crossing which would adversely interfere with the visibility of a motorist approaching the crossing from the east or interfere with a motorist's ability in seeing a train occupying the crossing other than darkness itself.

7. The weather was clear at the time of the accident and there were no climatic conditions, other than darkness itself, which would have interfered with the view of an approaching motorist.

8. Other than the fact that the accident occurred during hours of darkness and that the crossing was dark at the time of the accident, there is no other reason that the Plaintiff, or any other motorist approaching the crossing from the east exercising reasonable care and driving within the lawful speed limit, would not be able to see a train occupying the crossing in time to safely stop his vehicle before reaching the crossing.

9. The crossing is not extra hazardous approaching from the east during hours of darkness.

10. There is no genuine issue as to any material the Defendant is entitled to a judgment as a matter motorist fact and of law.

IT IS, THEREFORE, ORDERED AND ADJUDGED that judgment be, and the same is hereby, entered for and on behalf of Defendant \_\_\_\_\_, and it is further ordered and adjudged that this cause be, and the same is hereby, dismissed with prejudice at the cost of the Plaintiffs.

SO ORDERED AND ADJUDGED this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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CIRCUIT JUDGE