IN THE	COURT OF TATE OF	COUNTY
51	.AIE OF	
)	
Petitioner	Plaintiff, (
Vs.) N	NO
)	
Respondent/D	efendant))	
ORDER GRANTI	NG MOTION FOR SUMI	MARY JUDGMENT
AND FINAL JUDO	GMENT OF DISMISSAL	WITH PREJUDICE
This cause came to be hear	ard on the Motion for Sum	nmary Judgment filed by Defendan
pursuant to Ru	le of the	Rules of Civil Procedure, and
the Court having considered sai	d motion, the Plaintiff's	Response to Motion for Summary
Judgment and the supporting a	nd opposing affidavits, n	naterials, evidence and authorities
submitted by the parties, and beir	ng fully advised in the pren	mises, finds that there is no genuine
issue as to any material facts, which	ch material facts are as follo	ows:
1. Prior to and at the	time of the subject accide	ent, Defendant's train was lawfully
occupying the crossing over	Drive in	,
for a legitimate business purpose.		
2.	Drive, which runs in a ş	general east and west direction, is
straight and flat for at least a qua	rter of a mile or farther fro	om the crossing as it approaches the
crossing from the east, the direc	ction from which the Plain	ntiff was approaching the crossing
immediately prior to and at the tin	ne of the accident	

- 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
CIRCUIT JUDGE