



CA cardroom casinos have a history of violations & unlawful gambling

GET THE FACTS >>

Paid for by YES on 26, NO on 27



SUBSCRIBER EDITION

THE SACRAMENTO BEE

News Sports Politics Opinion Obituaries • Personal Finance Food & Drink Bee Curious Equity Lab Homebuyer

LOCAL

California jury awards millions in Amtrak lawsuit that left man legless — how much will he get?

BY SAM STANTON

UPDATED OCTOBER 29, 2022 7:31 AM



ORDER REPRINT →





Joe Nevis of Marysville was run over by an Amtrak train on December 24, 2016. He talks with Sacramento Bee reporter Sam Stanton about what he remembers from the incident. He is currently suing Amtrak. Filmed November 8, 2017. BY AUTUMN PAYNE



Only have a minute? Listen instead

Powered by **Trinity Audio**

00:00

10 10 1.0

03

A Sacramento jury returned a \$28.6 million verdict Friday for a California man who [lost his legs to an Amtrak train](#) six years ago as he lay on railroad tracks near Marysville.

The jury found varying degrees of negligence by Amtrak, Marysville’s Rideout Memorial Hospital and Dr. Hector Lopez, as well as negligence by Joseph Nevis, the 34-year-old man [who sued](#) after the 2016 Christmas Eve double amputation.

The actual amount Nevis will receive still has to be determined because of medical malpractice limits and other calculations, but Nevis is expected to receive millions of dollars to help him make his way through life with his devastating injuries.

TOP VIDEOS

AD



Nevis attorney Raymond McElfish hugged Nevis in court as the jurors’ verdict was read, and said afterward that he was pleased with the outcome.

“This is one of those case I believed in from the very beginning,” McElfish said after court. “I just couldn’t get the defendants to believe it.”



Get unlimited digital access

Try 1 month for \$1

[CLAIM OFFER](#)

Nevis, sitting in his wheelchair with his Labrador : he had trouble sleeping the night before the verdict.

“It’s just been nerve-wracking not knowing what was going to happen,” Nevis said.

Nevis lost his legs around 3 a.m. on Dec. 24, 2016, as he was laying on railroad tracks when an Amtrak passenger train rolled through and ran over him with the engineers not knowing they had hit anything.



THE SACRAMENTO BEE'S
HOMEBUYERS GUIDE
LAND YOUR DREAM HOME IN 2022

Get 6 months of unlimited access to the guide for only \$3.99

SPONSORED BY **LENNAR**

[GET ACCESS](#)

Nevis has said he has no memory of how he ended up on the tracks. Earlier that night, he had been picked up by Yuba City police, who determined he was too drunk to take to jail and had an ambulance take him to Rideout.

McElfish argued during trial that medical staff at the hospital failed to take a blood-alcohol test of Nevis and that Lopez decided to discharge him. He said the hospital failed to follow its own policies by not calling security or the police after Nevis left the hospital on his own before he could receive his written discharge papers.

Lawyers for Amtrak, Rideout and Lopez declined to comment after the verdict.

The jurors found Lopez and Rideout were each 30% negligent in the case, that Amtrak was 5% negligent and that Nevis bore 35% of the responsibility, meaning that percentage may be deducted from the \$28.6 million verdict.

U.S. District Judge Dale A. Drozd entered the verdict on the court record, but held off on entering specific damage amounts to be paid until the lawyers on both sides can study the verdict and try to agree on the proper total.

McElfish originally had said he planned to ask for \$32 million in damages, but raised that to more than \$56 million this week as he delivered an emotional plea to jurors to deliver a verdict in Nevis' favor.



In an image captured by an Amtrak train's video camera, Joe Nevis is seen lying on the railroad tracks seconds before his legs were severed by the locomotive in Marysville, Calif. on Dec. 24, 2016. Nevis is suing Amtrak and others in federal for the incident, which confined him to a wheelchair. *McElfish Law Firm*

The defendants had maintained Nevis was responsible for the accident, that the hospital and medical staff acted properly and that Amtrak could be responsible for someone dressed in black trespassing on railroad property and laying down on active tracks.

The case appeared to veer toward the defendants when a surprise witness, Emily Hilbers, testified that [Nevis told her years ago](#) the incident stemmed from a suicide

attempt.

But Nevis [adamantly denied that](#) on the witness stand this week, and said after court Friday that the claim was false.

“That was completely out of left field,” Nevis said.

This story was originally published October 29, 2022 6:00 AM.

RELATED STORIES FROM SACRAMENTO BEE

LOCAL

A train cut off California man’s legs while he lay on tracks. Does he deserve \$57 million?

OCTOBER 27, 2022 1:21 PM

LOCAL

Surprise witness: Man who lost legs while laying on California train tracks was trying suicide

OCTOBER 26, 2022 6:00 AM



SAM STANTON

916-321-1091

Sam Stanton has worked for The Bee since 1991 and has covered a variety of issues, including politics, criminal justice and breaking news.

Conversation

Your voice matters. Discussions are moderated for civility. Read our guidelines [here](#)

Commenting as **Guest**

[Log in](#) | [Sign up](#)



Be the first to comment...



Powered by OpenWeb

[Terms](#) | [Privacy](#) | [Feedback](#)



READ NEXT



EQUITY LAB

TRENDING STORIES

Conspiracy theories, racist posts: What we know about the Nancy Pelosi home invasion suspect

UPDATED OCTOBER 28, 2022 6:11 PM

A train cut off California man’s legs while he lay on tracks. Does he deserve \$57 million?

UPDATED OCTOBER 28, 2022 12:17 PM

Missing couple in motor coach found safe at campground in Oregon, authorities say

UPDATED OCTOBER 28, 2022 6:00 AM

UPDATED OCTOBER 28, 2022 9:08 AM

Black patients suffered delays in COVID care after faulty readings by common device, study finds

BY MARCUS D. SMITH

OCTOBER 29, 2022 6:00 AM



Inaccurate readings delayed care by an average of almost five hours.

KEEP READING →

This California city was named one of the world's most breathtaking. See why

UPDATED OCTOBER 28, 2022 9:24 AM

Instead of protecting kids from guns, Texas would rather fingerprint their dead bodies

UPDATED OCTOBER 27, 2022 2:03 PM



CAPITOL ALERT

Should California universities hire undocumented workers? Merced grad says 'it's needed'

OCTOBER 29, 2022 5:30 AM



LOCAL

Tahoe's biggest ski upgrade in decades is nearing completion. See how it's going

OCTOBER 29, 2022 5:00 AM



LOCAL

Elk Grove officials kill Zeus, the German shepherd who bit two, was confiscated from owner

UPDATED OCTOBER 28, 2022 10:12 PM



LOCAL

Zeus' owner taken into custody as suicide threat after Elk Grove officials kill her dog

OCTOBER 28, 2022 10:10 PM



CRIME - SACTO 911

Sacramento police release video of detectives shooting wanted suspect in Elk Grove

OCTOBER 28, 2022 7:10 PM



CAPITOL ALERT

Conspiracy theories, racist posts: What we know about the Nancy Pelosi home invasion suspect

UPDATED OCTOBER 28, 2022 6:11 PM

Take Us With You

Real-time updates and all local stories you want right in the palm of your hand.

 [THE SACRAMENTO BEE APP →](#)

 [VIEW NEWSLETTERS →](#)



SUBSCRIPTIONS

- [Start a Subscription](#)
- [Customer Service](#)
- [eEdition](#)
- [Vacation Hold](#)
- [Pay Your Bill](#)

LEARN MORE

- [About Us](#)
- [Contact Us](#)
- [Newsletters](#)
- [Archives](#)
- [Sports Betting](#)
- [Personal Finance](#)

ADVERTISING

- [Media Kit](#)
- [Place a Classified Ad](#)
- [Legal Notices](#)
- [Place a Digital Ad](#)
- [Place a Newspaper Ad](#)

[COPYRIGHT](#)

[COMMENTING POLICY](#)

[CORRECTIONS POLICY](#)

[PRIVACY POLICY](#)

[DO NOT SELL MY PERSONAL INFORMATION](#)

[TERMS OF SERVICE](#)