

Kenneth W. Waterway
Partner, Fort Lauderdale, Florida

Commercial Litigation
 General Civil Litigation
 Product Liability
 Railroad Law



KENNETH W. WATERWAY

954.958.2500 tel

954.958.2513 fax

kenneth.waterway@sedgwicklaw.com

Current Scope of Practice

Kenneth W. Waterway is a trial lawyer who represents railroads throughout Florida and has successfully defended cases involving grade crossing accidents, trespasser accidents, and employee injury claims under the Federal Employers Liability Act. Ken's railroad experience also includes a significant commercial litigation component, as well as serving as an instructor for a Grade Crossing Collision Investigation course at a local police training institute. In addition to railroad work, Ken represents a Fortune 100 manufacturer regionally in product liability, warranty, and commercial litigation throughout the Southeastern United States.

Affiliations, Activities and Accomplishments

Mr. Waterway is a member of the Product Liability Advisory Council (PLAC), the Defense Research Institute (DRI), the National Association of Railroad Trial Counsel, and the Florida Defense Lawyers Association. Mr. Waterway has also lectured to local law enforcement trainees regarding civil litigation issues entailed in the investigation of railroad crossing accidents. He holds an "AV" rating from Martindale Hubbell.

Presentations & Publications

- "A Plea for Legislative Reform: The Adoption of *Danbert* to Ensure the Reliability of Expert Evidence in Florida Courts," *Nova Law Review* (Fall 2011) (co-author)
- "*McBride v. CSX*: Supreme Court's Decision a Blow to Railroads or Mixed Bag?," Sedgwick's *Product Liability Advisory* (July 2011).
- "Does Proximate Cause Have a Place in the FELA? U.S. Supreme Court to Decide," Sedgwick's *Product Liability Advisory* (January 2011).
- "Case Study: Hogan v. Gray Gable," *Law360* (April 28, 2010).
- "Admissibility of Prior Similar Accident Evidence: Florida Appellate Court Takes Away Defense Verdict, Product Liability Defense Attorneys Breathe Sigh of Relief," Sedgwick's *Product Liability Advisory* (April 2010).

- "Florida Decision Rejects 'Consumer Expectations' Test as Independent Basis for Finding Design Defect," Sedgwick's *Product Liability Advisory* (February 2010).
- "Train Accident Injury Cases," The Palm Beach County Bar Association's PI Wrongful Death CLE Committee's program, "Planes, Trains, Trucks and Boats: Trial Superstars on Navigating and Steering Complex Transportation Injury Cases," West Palm Beach, FL. (March 27, 2009).

Education

Mr. Waterway earned his J.D. at the University of Michigan Law School (1993). He earned his B.A., with highest honors, from Rutgers University (1990).