



Train 188 crash victim's wife files lawsuit

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Felicidad “Feli” Redondo Iban, a retiree from Spain, was heading to New York to see family. Instead, her arm was nearly severed.

Daniel Armyn, a Brooklyn-based advertising executive, was on his way home after work. Instead, he found himself in “something out of hell,” with three broken ribs and knocked-out teeth.

Iban and Armyn were among the first Train 188 passengers to file lawsuits against Amtrak for last week’s deadly derailment in Frankford.

Attorneys Robert Mongeluzzi and **Tom Kline** — personal-injury attorneys who have represented victims in some of Philadelphia’s worst disasters — filed a federal complaint today on behalf of Armyn, 43; Iban, 64; and two other survivors, Amy Miller, 39, of Princeton, N.J.; and Maria Jesus “Susu” Redondo Iban, 55, Felicidad’s cousin. Also named as plaintiffs are Armyn’s and Maria Jesus Redondo Iban’s spouses, for loss of consortium.

Mongeluzzi and Kline decried Amtrak’s failure to install safety technology, such as positive train control, that would have prevented Tuesday night’s derailment of Amtrak’s seven-car Train 188.

Further, they said Amtrak uses an “advanced civil speed enforcement system” that can mechanically slow down speeding trains, and had installed it on the southbound tracks where 188 derailed — but not the northbound tracks.

Both lawyers also laid blame on engineer Brandon Bostian, 32, who was at the train’s controls.

“Speed kills,” Mongeluzzi said. “That engineer had a sacred and solemn responsibility for the safety of his passengers. Nothing else matters ... I can find no excuse for speeding 106 mph into a 50 mph curve.”

Mongeluzzi and Kline called reports of a projectile smashing the train’s windshield seconds before its crash “a red herring.” And Bostian’s claim that he doesn’t remember the crash is “suspicious,” they added.

“It always raises red flags when someone who’s been involved in an accident going too fast has a sudden claim of no memory,” Mongeluzzi said, adding: “Any claim that he was temporarily incapacitated is inconsistent with everything that’s been said so far. Afterward, he was outside (the mangled cars) speaking to people, and he appeared totally lucid.”

The two said they hurried to file their lawsuit to preserve evidence in the case and enable them to review documents, subpoena and question witnesses and gain access to the scene.

Federal lawmakers in 1997, in an effort to save the transit agency from financial ruin, capped Amtrak's liability at \$200 million for a single passenger rail incident. But Mongeluzzi and Kline said they plan to challenge that cap in this case.

"That cap looks like a lot of money until there's an accident like this that occurs," said Kline, noting that about 240 passengers were aboard the train when it wrecked.

Today's lawsuit was the second filed in connection with the crash; Bruce Phillips, 37, of Southwest Philadelphia, an off-duty Amtrak employee catching a ride home on 188 that night, filed suit on Thursday accusing his employer of negligence and other failures.

Eight people were killed in the derailment, and most of the other passengers were injured.

Felicidad Redondo Iban, a retired health care administrator, got pinned under the wreckage and has had multiple surgeries to save her right arm, which remains in danger of amputation, according to the lawsuit. She also suffered internal and head injuries. Her cousin, who works for the Spanish government, suffered head and internal injuries, while Miller suffered a concussion and head and back injuries, according to the lawsuit.

Army, principal and chief creative officer of NewBreed Advertising, tumbled around his train car during the derailment, suffering broken ribs, head, knee, pelvic and internal injuries and broken teeth, according to the lawsuit.

Robert Sumwalt, a member of the National Transportation Safety Board, said last week that investigators found that the train's speed surged from 70 mph to 106 mph in the 65 seconds that preceded the crash, but they haven't discovered why yet. Bostian applied the emergency brake but the train derailed, with some cars rolling, seconds later.

This morning, Temple University Hospital spokesman Jeremy Walter said eight survivors remain hospitalized there, with three in critical condition.