



## Amtrak Faces 1st Wrongful Death Suit After Philly Crash

By Jody Godoy

Law360, New York (June 29, 2015, 4:16 PM ET) -- Amtrak was hit with the first wrongful death suit stemming from a derailment and crash outside Philadelphia in May that killed eight passengers when the widow of a man riding in the first car sued in Pennsylvania federal court on Monday.

On May 12, Robert Gildersleeve Jr. was killed when the train hit a turn in the tracks at about 106 mph, twice the speed limit for that stretch. His wife, Danna Gildersleeve, is suing Amtrak for not putting in place automatic speed controls and warning systems that would have prevented the crash.

"Through its reckless operation on the tracks and inexcusable decision to not include a necessary safety system, Amtrak caused this horrific tragedy, which claimed the lives of eight passengers, including Robert Gildersleeve Jr., and injuring hundreds more," Gildersleeve said.

Gildersleeve alleged in her complaint that the rail company should have installed a positive train control system on board, which would have warned the train operator of reduced speed zones and automatically stopped the train if the operator did not comply with warnings.

Operators are required by the Rail Safety Improvement Act of 2008 to implement such systems before the end of the year, Gildersleeve said. Such systems are affordable and are currently in place in Massachusetts, Connecticut, New Jersey, Maryland and Delaware, according to the complaint.

The plaintiff further alleged that Amtrak uses a speed enforcement system in trains on the southbound routes in area but not northbound trains.

The suit seeks compensatory and punitive damages of more than \$150,000 for wrongful death, negligence and outrageous conduct claims.

The claims about Amtrak's safety systems are similar to those brought in May by four passengers who were injured in the crash. An Amtrak dispatcher aboard the train also sued the company for a traumatic brain injury and broken bones he suffered in the accident.

Amtrak officials told the U.S. House of Representatives on June 2 that the company is on track to finish implementing PTC systems on its Northeast Corridor, where the crash occurred, by the end of 2015 as mandated by law. As for the Philadelphia accident, the company pointed to human error in its testimony.

U.S. National Transportation Safety Board announced on June 10 that a preliminary investigation had not found evidence that the train operator was using his cellphone at the time of the crash. The operator has cooperated with the investigation, but it has been complicated by the way the phone's apps store data, the agency said.

An Amtrak representative declined to comment on the pending litigation.

Gildersleeve is represented by **Thomas R. Kline** and Patrick J. Fitzgerald of Kline & Specter PC.

Counsel information for Amtrak was not immediately available.

The case is Gildersleeve v. National Railroad Passenger Corporation, case number 2:15-cv-03626, in the U.S. District Court for the Eastern District of Pennsylvania.

--Additional reporting by Joe Van Acker and Alex Wolf. Editing by Christine Chun.