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Amtrak derailment: Engineer's cell phone records show calls made; another passenger sues

As investigators try to determine if the engineer in last week's deadly Amtrak derailment was using his cell phone while at the controls, another passenger has filed a lawsuit seeking damages for injured suffered.

The National Transportation Safety Board said Engineer Brandon Bostian's phone records show calls were made, text messages were sent and data was used the day of the crash, but it remains unclear if the phone was used while the train was in motion, the Associated Press reports.

Investigators won't be able to make that determination until after a time-consuming analysis comparing time stamps from Bostian's subpoenaed phone records with those from an on-board data recorder, video and other sources, the NTSB said.

Bostian's lawyer, Robert Goggin, has said he kept his cellphone in a bag and used it only to call 911 afterward. Bostian, who was injured, told investigators he had no recollection of the crash, the NTSB said.

The NTSB also said Wednesday that the engineer of a SEPTA train, struck by a projectile minutes before the derailment, told investigators that Bostian did not mention that his train was struck by an object when the two trains passed one another on parallel tracks, which the AP says casts doubt on an Amtrak assistant conductor's recollection of a conversation between the engineers.

... Earlier this week, Robert J. Mongeluzzi of Saltz Mongeluzzi Barrett & Bendeski and **Tom Kline of Kline & Specter** jointly filed the first civil lawsuits related to the derailment that killed eight and injured scores more. Mongeluzzi and Kline filed their combined five lawsuits in U.S. District Court in Philadelphia.

The first lawsuit to be filed against Amtrak came from one of its workers. Another employee filed suit several days later, alleging negligence on the company's part led to the wreck, which caused him to break his neck, back and both shoulders.

The cases will most likely be consolidated into one.

A 1997 federal law caps rail accident damages at \$200 million, regardless of the number of victims or severity of injuries sustained, meaning there might not be enough funds to fully compensate all of the victims and their families. Kline has said plaintiff lawyers might question the constitutionality of the cap.