



Amtrak admits liability for compensatory damages in Philly derailment

BY JOHN KOPP
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Amtrak will not contest liability for compensatory damages caused by the derailment of Train 188 in Philadelphia in May, according to attorneys representing the first two passengers to bring lawsuits in the tragedy.

The transit agency admitted in legal filings Friday that its train was "traveling in excess of the allowable speed" when it derailed in Philadelphia late on May 12, killing eight people and injuring more than 200 others. The legal documents were filed in the U.S. District Court in Philadelphia in connection to the first two passenger lawsuits brought against Amtrak.

Attorney Tom Kline, of Kline and Specter, who is representing Blair Berman and other plaintiffs, called the admission "an important step" in a long process.

Kline said questions remain relating to the constitutionality of the \$200 million cap on Amtrak's liability payments. Amtrak is contesting punitive damages and the litigation needs to be ordered and structured under the provision of a judge.

"This piece of the larger puzzle doesn't establish, by any means, any of the facts which the families are entitled to know and are demanding to know," Kline said. "We want to get to the root cause, especially Mr. (Brandon) Bostian's conduct. Just simply saying we admit liability and that we owe compensation does not answer some of the larger questions, which must be answered for the families to be satisfied."

Bostian is the engineer who was driving the train.

A spokesperson for Amtrak did not immediately respond to a request from PhillyVoice.com for comment.

Attorney Robert J. Mongeluzzi, of Saltz, Mongeluzzi, Barrett and Bendesky, said in a statement that there is "still much work to be done." He is representing Felicidad Iban and other plaintiffs.

"We will now move forward to seek compensation and a full accounting of how this accident occurred and, importantly, how future derailments can be prevented," Mongeluzzi said.

In another prominent accident, Saltz, Mongeluzzi, Barrett and Bendesky is representing the family of a pedestrian killed by a Ride the Ducks boat earlier this year.