



\$8M Awarded To Victims Of NJ Train Crash That Killed Atty

By Jeannie O'Sullivan

Law360 (June 14, 2021, 7:38 PM EDT) -- The family of an attorney killed in a New Jersey Transit commuter train crash and four surviving passengers have been awarded personal injury settlements totaling \$8.15 million, law firms of **Kline & Specter PC** and Saltz Mongeluzzi & Bendesky PC said Monday.

The compensation comes five years after the Sept. 29, 2016, accident, which claimed the life of lawyer Fabiola Bittar de Kroon and injured more than 100 people at the agency's Hoboken terminal. A 34-year-old and mother of a young daughter, de Kroon was standing on the platform when the train crashed and was killed by falling debris, according to her estate's lawsuit.

Officials said the train, part of the agency's Pascack Valley Line, collided with numerous structures and crashed into a wall. The accident raised questions about the agency's progress in implementing the mandates under the Federal Railroad Administration's digital safety technology initiative, and ultimately spotlighted safety lapses unearthed by federal inspectors.

"This was a preventable catastrophe. And we and our clients are hopeful that NJT has now implemented and will continue to implement all the necessary safety improvements — systemwide, from rail operations to crew medical screenings — to protect its passengers, agency personnel, and the general public from harm," attorneys **Tom Kline** and Robert J. Mongeluzzi said in a joint statement.

"Such a tragedy must never happen again," they said.

Court records show the settlement was reached in March in the cases, which were consolidated in Hudson County. Settlement terms weren't available and the firms declined to provide information about their counsel fees.

De Kroon's LinkedIn page identified her as senior legal counsel at SAP, a computer software company in the New York City area, and lists previous attorney positions at LG Electronics and Chundo Lawyers Firm.

In addition to serving as counsel for de Kroon's estate and her widower Adrianus Rudolfus Henricus Maria de Kroon, the firms jointly represented passengers Sheldon Kest, Bagya Subramaniam, Alexis Valle and Karl Ward. Subramaniam, Valle and Ward suffered "permanent, life-altering injuries" as a result of the crash, according to their suits. Information about Kest's injuries wasn't immediately available.

The train was traveling at 21 mph, twice the allowable speed of 10 mph, the suits alleged.

In February 2018, the National Transportation Safety Board said the probable cause of the Hoboken crash as well as a January 2017 crash at the Atlantic Terminal in Brooklyn was engineers' fatigue.

A New Jersey state audit released in January 2020 revealed that software issues were delaying the agency's implementation of positive train controls, or PTC, which are automated systems that can slow or stop trains when they are not operating safely or encounter unsafe conditions. At the time, PTC hardware had been installed in 413 of the agency's 440 trains, according to the audit.

But in December, Gov. Phil Murphy and transit officials announced that New Jersey Transit's PTC system had been certified by the FRA by the federally mandated implementation deadline of Dec. 31. Officials attributed the accomplishment to "around the clock work."

New Jersey Transit representative Nancy Snyder declined to comment on the settlement Monday.

de Kroon's estate and the four passengers are represented by Tom Kline and Patrick J. Fitzgerald of Kline & Specter PC and Robert J. Mongeluzzi, Andrew R. Duffy and Michael A. Budner of Saltz Mongeluzzi & Bendesky PC.

New Jersey Transit was represented by Thomas Hart of Ruprecht Hart Ricciardulli & Sherman LLP.

The cases are Adrianus Rudolfus Henricus Maria de Kroon v. NJ Transit Corp. et al., case number HUD-L-2625-17; Sheldon Kest et al. v. NJ Transit Corp. et al., case number HUD-L-2126-17; Bagyalakshmi Subramaniam et al. v. NJ Transit Corp. et al., case number HUD-

L-2622-17; Alexis Valle v. NJ Transit Corp. et al., case number HUD-L-3717-18; Karl Ward et al. v. NJ Transit Corp. et al., case number HUD-L-2627-17, in the Superior Court of New Jersey, Hudson County.

--Additional reporting by Bill Wichert. Editing by Amy Rowe.