



## Open Cases In Amtrak Philly Derailment MDL Resolved

By [Abraham Moussako](#)

Law360, New York (July 31, 2017, 7:36 PM EDT) -- A Pennsylvania federal judge on Monday dismissed all 90 active cases in the multidistrict litigation stemming from the the deadly 2015 derailment of [Amtrak](#) train number 188 in Philadelphia, months after granting approval to a \$265 million settlement for all pending claims.

The order from U.S. District Judge Legrome D. Davis comes after the resolution of the claims in each of the proceedings, and after the judge [approved in October 2016](#) the settlement negotiated by the seven-attorney plaintiffs management committee and Amtrak. In an opinion published alongside the order, Davis praised the execution of the settlement process at length.

“At all times, Amtrak and the PMC minimized costs and worked together toward realizing shared goals and objectives as quickly as practicable. They listened, critically evaluated matters and compromised when needed,” Davis said. “They were persuaded by reason, and they were not bound or blinded by an institutional litigation perspective of counsel for plaintiff or for counsel for defendant. ... They truly helped the court reach the goal of delivering the greatest measure of justice possible under the circumstances, which was my objective from the inception of this MDL.”

The derailment in May 2015 caused eight deaths and more than 200 injuries.

The judge noted that of 299 claimants, 159 had elected to participate in the settlement program, which was distributing from a \$265 million settlement fund. The remaining claimants had either settled separately with Amtrak, had withdrawn their claims or had acknowledged they were not injured, according to the opinion. Two passengers, who live in India, didn't respond to contact attempts, according to the opinion.

Attorneys on the management committee said at the time the settlement was approved that the \$265 million figure was equivalent to the present value of \$295 million paid out in two and a half years, the likely minimum amount of time it would take to resolve more than 125 remaining cases via litigation.

Tom Kline, of the plaintiffs management committee, told Law360 on Monday that the MDL represented a swift and just process within the constraints of the law.

“It represented the greatest measure of justice possible, under the circumstances of eight deaths, many catastrophic injuries and insufficient money under a draconian federal cap to compensate everyone fully,” Kline said. “As an experienced practitioner having participated in many MDLs over many decades, this MDL stands out uniquely as a remarkably efficient and fair resolution of claims, which is a goal of any litigation, especially consolidated litigation,” he continued.

Mark S. Landman, who represented Amtrak in the MDL, said in an emailed statement Monday, “Amtrak and our firm appreciate Judge Davis’ extraordinary leadership, dedication and availability in guiding the parties to a resolution of this litigation in the aftermath of this tragic accident.”

Lawsuits against Amtrak, also known as National Railroad Passenger Corp., began pouring in shortly after the derailment, in which a train tumbled off the tracks as it approached Frankford Junction in Philadelphia on its way to New York in May 2015. All seven passenger cars derailed, along with the train’s locomotive, injuring nearly all of the train’s passengers, litigants said.

In October 2015, the U.S. Judicial Panel on Multidistrict Litigation ordered Judge Davis in the Eastern District of Pennsylvania to handle the lawsuits brought by victims of the crash.

The management committee is composed of Tom Kline of [Kline & Specter PC](#), Judith Livingston of Kramer Dillof Livingston & Moore, Robert Mongeluzzi of [Saltz Mongeluzzi Barrett & Bendesky PC](#), Frederic Eisenberg of [Eisenberg Rothweiler Winkler Eisenberg & Jeck PC](#), Ben Morelli of the [Morelli Law Firm](#), Denis Mitchell of [Stein Mitchell Cipollone Beato & Missner LLP](#) and Timothy Loranger of [Baum Hedlund Aristei & Goldman](#).

Amtrak is represented by attorneys from [Landman Corsi Ballaine & Ford PC](#).