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## Amtrak already settling claims from its May 12 crash last year

## Chris Mondics,

INQUIRER STAFF WRITER

With the National Transportation Safety Board set to release its final report May 17 on the disastrous Amtrak crash in Philadelphia last year, the rail line has already begun to settle a handful of claims and has spent millions on health care for passengers injured in the crash.

Meanwhile, litigation over the crash is starting to take shape, with lawyers for both Amtrak and hundreds of passengers cataloguing injuries, lost wages and other economic losses.

The extent of losses is critical because the amount of money Amtrak can pay out in claims is limited by law to \$295 million. Some of the lawyers involved in the case say there's a good chance claims will exceed that, and that passengers will be competing among themselves for compensation.

"What you are seeing in the courtroom now is the beginning point," said plaintiffs' lawyer Thomas Kline, who along with lawyer Robert Mongeluzzi is representing 32 passengers. "The what is the collective value," of cases eventually will be settled. "I the claims against Amtrak.

Eight people were killed and more than 200 injured May 12 in the detrain on the Frankford Junction admitted legal responsibility for the of the city.

At the time of the crash, the train was traveling 106 m.p.h. as it entered the curve, which had a posted speed limit of 50 m.p.h.

Some 119 lawsuits have been filed in the case, and lawvers for Amtrak and injured passengers have taken the first tentative steps toward deciding how claims will be sorted out. On April 12, federal district court Judge Legrome Davis named Kline and Mongeluzzi as liaison counsel with responsibility managing communications among Landman told the court that Amtrak court and defense.

Davis said he expects sometime soon to appoint a management committee of lawyers for injured against Amtrak.

first question we have to get to is Kreindler, expects the bulk of the think Amtrak will make a real solid attempt to settle cases," Cook said.

One development that has simplirailment of a northbound Amtrak fied the process is that Amtrak has curve in the Port Richmond section crash. At an April 1 hearing before Judge Davis, Amtrak's lawyer David Landman emphasized the rail line would not contest claims for injuries, economic damages and other losses, so called compensatory damages.

> While Amtrak is not conceding that it should be exposed to punitive damages, effectively a punishment for its conduct, the point may be moot in the end. That's because the compensatory damages alone may consume all of the money set aside to pay claims.

plaintiffs' lawyers, their clients the so far has settled 19 claims, for amounts less than \$50,000, and spent about \$4.5 million on medical care for injured passengers.

"What comes across here is that passengers who will likely have an there are a lot of people who really outsized role in overseeing the case want to resolve these cases quickly," he said.

David Cook, a lawyer with the New Officials so far have offered no ex-York-based firm of Kreindler & planation for why the train was traveling at more than twice the But it wasn't enough. Los Angeles has told investigators he remembers about half of what was needed. very little about the crash.

NTSB report sheds new light on the victims most in need. derailment it is unlikely to have much impact on the litigation, since Amtrak already has admitted liability.

"I don't think there is any information that we will get that would be a game changer," Mongeluzzi said.

How to resolve the remaining claims short of full blown trials is a question the court has yet to address.

Lawyers involved in the case say a critical threshold is whether damages claims exceed the \$295 million cap. If they do, it's possible Amtrak might pay the entire amount into a fund administered by the court, which would have responsibility for overseeing its distribution.

Such was the case following the calamitous crash of a commuter rail train in Chatsworth, Calif. on Sept. 12, 2008.

The crash occurred when the engineer, who was texting at the time, ran a red light on its route north of downtown Los Angeles and collided with a freight train, killing 25 and injuring more than 100. The rail line, Metrolink, was covered by the same cap as Amtrak, then \$200 million. It quickly became apparent that damages would exceed the money available to pay claims.

Metrolink paid the full \$200 million into a fund overseen by the court.

posted speed limit when it derailed. Superior Court Judge Peter D. And the engineer, Brandon Bostian, Lichtman said the \$200 million was

He described the allocating funds as Even if the anticipated May 17 "triage," parceling out money to