

# The Legal Intelligencer

THE OLDEST LAW JOURNAL IN THE UNITED STATES 1843 - 2021

PHILADELPHIA, WEDNESDAY, JUNE 16, 2021

VOL 263 • NO. 115 \$5.00 An **ALM** Publication

## \$8.15M Settlement Reached in Fatal NJ Transit Crash

BY SUZETTE PARMLEY

*New Jersey Law Journal*

A collective settlement of \$8.15 million has been reached to settle five lawsuits resulting from the 2016 train crash of a New Jersey Transit train that collided into the Hoboken, New Jersey, station and killed a Brazilian-born attorney, Fabiola Bittar de Kroon, and left four other passengers injured.

The decedent and four surviving victims were represented by Philadelphia firms [Kline & Specter](#) and Saltz Mongeluzzi & Bendesky.

The accident occurred during the morning rush hour on Sept. 29, 2016, involving a Pascack Valley Line train at the New Jersey Transit Hoboken Terminal.

News accounts and an investigation by the National Transportation Safety Board said that Train 1614 sped into the station at twice

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the speed limit that morning, and slammed into the backstop, causing part of the train shed's glass ceiling to collapse.

Kroon was standing on the platform when a rain of debris fell on her, trapping and killing her.

Officials said the veteran NJ Transit engineer, Thomas Gallagher, 48, was diagnosed with sleep apnea after the crash.

Besides the death of Kroon, the derailment injured several dozen others.

Tom Kline of Kline & Specter declined to provide a breakdown of the \$8.15 million settlement. Kline represented the plaintiffs along with Robert J. Mongeluzzi of Saltz Mongeluzzi.

"They are not equal in amounts—the injuries and the death claim were each treated as individual cases," Kline said in a phone call Monday.

"We have not given an individual breakdown of the settlement. The amount that we have announced is a resolution of the five cases," he said.

NJ Transit was not immediately available for comment.

Besides representing the estate of Kroon, the two attorneys jointly represented and settled the cases of the following injured passengers, all from New Jersey: Bagya Subramaniam, 58, of Bergenfield; Sheldon Kest, 71, of Tenaflly; Karl Ward, 42, of Hillsdale; and Alexis Valle, 29, of Bergenfield.

"These settlements that collectively amount to more than \$8 million should never be confused with or viewed as a substitute for closure, because there is no closure for loved ones who've lost a mother and spouse, or survivors suffering from life-altering physical and psychological injuries," said Kline and Mongeluzzi in a separate joint statement Monday.

"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. Such a tragedy must never happen again."

Kline and Mongeluzzi were appointed by the court to the plaintiffs' steering committee in the litigation.

Other members of the legal team included trial lawyers Andrew Duffy and Michael Budner of Saltz Mongeluzzi, and Patrick J. Fitzgerald of Kline & Specter.

The train crash injured more than a 100 passengers, and lawsuits trickled in and were settled over the last five years.

A separate \$1.5 million settlement was reached in November 2019 by a woman who was left with permanent injuries from the same train crash.

Plaintiff Latonya Story, then 42, was seated in the last car when the train crashed into the platform during its arrival at the terminal. Gallagher, the engineer, is listed in Story's

complaint as responsible for the crash.

Story became permanently disabled and will require extensive medical care and monitoring for the rest of her life, according to her complaint. The suit also claimed emotional distress.

MTA Metro-North Railroad, a subsidiary of New York State's Metropolitan Transportation Authority, is covering the entire \$1.5 million settlement in Story's case.

Kroon, a mother of a 2-year-old daughter at the time, was an employee of a software company and residing in Hoboken. She had just dropped off her daughter at a day care center and entered the platform. Kroon was killed from falling debris and glass immediately after the train crashed.

Kroon's family filed a wrongful death and negligence lawsuit against the transit agency seeking unspecified compensatory damages in June 2017 in state Superior Court in Hudson County.

Kroon's lawsuit partly blamed the accident on NJ Transit's failure to install "Positive Train Control," a device that is intended to automatically slow down a train if it is traveling too fast by using an extensive network of sensors.

NJ Transit's failure to fit the Hoboken train with that device was the focus of an April 2017 hearing held by the New Jersey Legislature, which investigated the accident.

Congress passed a law in 2008 requiring installation of PTC in all passenger and freight rail trains by the end of 2015, after a fatal passenger train wreck in California.

NJ Transit allegedly has lagged behind other systems in installing the technology.

In late 2019 a legislative panel was created and charged with developing a plan of action to turn around the embattled agency that serves nearly 1 million public transit commuters a year. Last year the New Jersey Senate Select Committee on NJ Transit held its hearings concerning the quality of services and rider concerns and other safety issues.

The panel was chaired by New Jersey Senate President Steve Sweeney, D-Gloucester. Deputy Majority Leader Sandra Cunningham, D-Hudson, referenced the deadly Hoboken Terminal crash as among the reasons for the need to investigate NJ Transit when the creation of the new committee was announced.

"This was an enormous tragedy which cost the life of a young mother who was an attorney, and it also caused injuries to many people," Kline said in the same phone call Monday. "It was preventable, and it was something that should have never happened."

"We're hopeful that the families and those who were injured will be able to now—as best they can—move forward with their lives," Kline said. "We're hopeful that New Jersey Transit will take every measure to ensure that the safety protocols that Bob Mongeluzzi and I have pushed for many years—including in the Amtrak litigation—will be enacted, and hopefully will save lives and injury in the future."

*Suzette Parmley can be contacted at [sparmley@alm.com](mailto:sparmley@alm.com).* •