



By Amanda Mikelberg
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Man injured in Hoboken train crash is suing NJ Transit for safety failures

"Somebody help me," screamed Sheldon Kest, a passenger in the first car of the NJ Transit Pascack Valley train, after it crashed into Hoboken Station on September 29 at 8:45 a.m.

Kest, 66, a Tenaflly, New Jersey resident who has been using the system for 50 years announced Tuesday that he is suing NJ Transit for its safety failures that led to the Hoboken crash and caused his serious injuries and emotional trauma.

He suffered a broken nose, deep flesh wounds and his right middle finger had to be partially amputated. He was also recovering from knee surgery at the time of the crash and his healing has been compromised.

Kest is one of 114 people injured in the crash. There was one fatality, Hoboken Fabiola Bittar de Kroon, 34, who was standing on the platform and was killed when the ceiling collapsed.

Investigators determined from black box data that the train was going nearly twice the speed limit, 10 mph, for a train entering the station. Yet there has been no additional information about why that happened or what could have prevented it.

"I need to know, and the public has the right to know, why did it happen? How did it happen? And who should be held accountable so it doesn't happen again?" said Kest at the news conference in Newark called by his attorney **Tom Kline**.

The train went "over the bumper block, right through the depot" and came to a stop at a wall just before the station's waiting area," Michael Larson, a NJ Transit employee who was one of the first responders at the crash, told reporters during a CNN broadcast.

"I don't think I'll be able to board another train. Right now, I'm anxious to even ride in a car. I continue to struggle with horrific memories of this tragedy," Kest said. He described being trapped in the carriage surrounded by wreckage. "Given my recent knee surgery, there's just no way I could have hoisted myself through that window. I don't know what would have happened without those guys lifting me up," he said, adding that he looks forward to the day he can thank them in person.

His lawyer Kline, along with co-council from Andrew Duffy, added that "There is no excuse for operating that train at more than twice the speed restriction entering the station, and there is no excuse for the NJT's deadly deferral of Positive Train Control that every industry operator, expert and government regulator has known for decades prevents these accidents and saves lives."

The lawsuit is seeking an undisclosed amount for damages related to Kest's numerous doctor's bills including plastic and orthopedic surgeons and a neurologist.