



Amtrak Derailment Victims Push For Philly MDL

By Matt Fair

Law360, Philadelphia (June 24, 2015, 5:03 PM ET) -- A group of plaintiffs pursuing claims against Amtrak following last month's deadly train derailment in Philadelphia have asked that a new federal multidistrict litigation program be established in the city to deal with nearly 20 separate suits that have popped up in multiple jurisdictions throughout the region.

Attorneys with Kline & Specter PC and Saltz Mongeluzzi Barrett & Bendesky PC said that consolidation of the claims in U.S. District Court for the Eastern District of Pennsylvania would be the most efficient way of dealing with the quickly amassing suits.

"Creation of an MDL will promote the just and efficient conduct of all such actions," the firms said in a petition to the U.S. Panel on Multidistrict Litigation. "The actions arise from the same occurrence. They will involve the same factual and legal issues in advance of trial. They will involve the same discovery. In this context, an MDL proceeding will promote coordinated discovery, reduce the costs of litigation, and enable cases to proceed more efficiently to trial."

Eight people were killed when an Amtrak train en route from Washington, D.C., to New York City derailed shortly after making a scheduled stop at Philadelphia's 30th Street Station on the night of May 12. More than 200 other passengers were treated for injuries in area hospitals.

The National Transportation Safety Board has said that the train was traveling at more than 100 mph when it entered a curve in an area of track known as Frankford Junction. The posted speed limit on that section of the track is 50 mph.

The first suit against Amtrak, known officially as the National Railroad Passengers Corp., was filed days later on behalf of a dispatcher who was riding on the train for work.

According to the MDL petition filed on Tuesday, another 18 lawsuits have since been filed in four separate federal courts in Pennsylvania, New Jersey and New York. However, the plaintiffs said that most of the cases, 13 of them, are pending in federal court in Philadelphia before Judge Legrome Davis.

At least one additional case has been filed in state court in New Jersey. Another case was filed in state court in Pennsylvania but was removed to federal court.

The plaintiffs behind Tuesday's motion also said it was likely that many more cases were coming.

"Plaintiffs anticipate that numerous additional lawsuits will be filed relating to the derailment," the motion said. "Many of these suits will be filed in the Eastern District of Pennsylvania. The prospect of additional lawsuits further supports an order transferring all related cases to the Eastern District of Pennsylvania for coordinated or consolidated pretrial proceedings."

While the company is expected to continue facing claims over the accident, the federal Amtrak Reform and Accountability Act caps damages stemming from a single accident at \$200 million. The plaintiffs in the MDL petition said that the potential for damages to exceed the cap makes it even more important that the litigation be overseen by a single judge.

“The aggregate damages in litigation related to the derailment may exceed \$200 million, in which case coordinated supervision by one judge would be essential,” they said.

An attorney for Amtrak did not immediately return a message seeking comment on Wednesday.

The plaintiffs are represented by Thomas Kline, Charles Becker and Patrick Fitzgerald of Kline & Specter PC and Robert Mongeluzzi, Larry Bendesky, Andrew Duffy, Adam Pantano, Jeffrey Goodman and Robert Zimmerman of Saltz Mongeluzzi Barrett & Bendesky PC.

Amtrak is represented by Yuri Brunetti of Landman Corsi Ballaine & Ford PC.

The case is In Re: Amtrak Train Derailment, MDL Number 2354, before the U.S. Panel on Multidistrict Litigation.

--Editing by Christine Chun.