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Amtrak derailment: Engineer's cell phone records show calls made; another passenger sues

May 21, 2015, 8:47am EDT Updated: May 21, 2015, 8:53am EDT



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As investigators try to determine if the engineer in last week's deadly Amtrak derailment was using his cell phone while at the controls, another passenger has filed a lawsuit seeking damages for injured suffered.

The National Transportation Safety Board said Engineer [Brandon Bostian](#)'s phone records [show calls were made, text messages were sent and data was used the day of the crash](#), but it remains unclear if the phone was used while the train was in motion, the Associated Press reports.

Investigators won't be able make that determination until after a time-consuming analysis comparing time stamps from Bostian's subpoenaed phone records with those from an on-board data recorder, video and other sources, the NTSB said.

Bostian's lawyer, [Robert Goggin](#), has said he kept his cellphone in a bag and used it only to call 911 afterward. Bostian, who was injured, told investigators he had no recollection of the crash, the NTSB said.

The NTSB also said Wednesday that the engineer of a SEPTA train, struck by a projectile minutes before the derailment, told investigators that Bostian did not mention that his train was struck by an object when the two trains passed one another on parallel tracks, which the AP says casts doubt on an Amtrak assistant conductor's recollection of a conversation between the engineers.

Philadelphia plaintiffs personal injury law firm Messa & Associates filed a lawsuit Wednesday in the Philadelphia Court of Common Pleas on behalf of 35-year-old [Trevor Beddoe](#) and his wife, [Eunju](#). His lawyers say Beddoe suffered "catastrophic and disabling" injuries as a result of the

May 12 derailment, including a traumatic brain injury, fractured shoulder requiring surgery, fractured clavicle, five fractured ribs, lung trauma/lung contusions, and other internal injuries, abrasions, contusions, and orthopedic injuries.

Beddoe is seeking punitive and compensatory damages and the complaint includes counts of negligence and recklessness against the Amtrak and Bostian, noting the train was moving at more than double the posted speed limit at a sharp curve at Frankford Junction in the city's Frankford neighborhood. The complaint also includes a loss of consortium count on behalf of his wife.

Beddoe is represented by Joseph L. Messa Jr. and Thomas N. Sweeney of Messa & Associates.

Earlier this week, Robert J. Mongeluzzi of Saltz Mongeluzzi Barrett & Bendesk and [Tom Kline](#) of Kline & Specter jointly [filed the first civil lawsuits](#) related to the derailment that killed eight and injured scores more. Mongeluzzi and Kline filed their combined five lawsuits in U.S. District Court in Philadelphia.

The [first lawsuit to be filed against Amtrak](#) came from one of its workers. Another employee filed suit several days later, [alleging negligence on the company's part](#) led to the wreck, which caused him to break his neck, back and both shoulders.

The cases will most likely be consolidated into one.

A [1997 federal law caps rail accident damages at \\$200 million](#), regardless of the number of victims or severity of injuries sustained, meaning there might not be enough funds to fully compensate all of the victims and their families. Kline has said plaintiff lawyers might question the constitutionality of the cap.

Jeff Blumenthal covers banking, insurance and law.