

Amtrak Suits Pile Up Over Deadly Philly Crash

By **Matt Fair**

Law360, Philadelphia (May 20, 2015, 5:35 PM ET) -- Amtrak is facing two more suits in New York and Pennsylvania, filed Tuesday and Wednesday, respectively, from victims who say they suffered serious injuries during a train derailment in Philadelphia last week that killed eight people and injured hundreds.



An Amtrak train carrying hundreds of people derailed in Philadelphia last week, killing eight people and spawning a growing number of lawsuits. (Credit: AP)

The complaints faulted Amtrak, known officially as the National Railroad Passenger Corp., for Train 188's excessive speed as it went into a sharp curve when traveling out of Philadelphia toward New York and for the company's failure to install adequate safety controls along the section of track where the derailment occurred.

"If Amtrak's engineer [had] not operated Train 188 at a reckless speed or Amtrak implemented inexpensive and available safety technologies, this horrific tragedy would never occurred," said the complaint filed Wednesday in Pennsylvania state court on behalf of passenger Trevor Beddoe.

The train was en route from Washington, D.C., to New York when it derailed about 10 minutes after its scheduled stop in Philadelphia. There were some 240 passengers on board at the time.

According to information provided by the National Transportation Safety Board, the train was traveling at more than 100 miles per hour when it derailed as it rounded a bend passing through an area of track known as Frankford Junction. The posted speed limit for trains around the bend is 50 miles per hour.

Beddoe, who boarded the train at 30th Street Station in Philadelphia, said that he suffered a traumatic brain injury, as well as fractures to his shoulder, clavicle, and five ribs in the crash. He filed suit against Amtrak alongside his wife, Eunju, who is seeking damages for loss of consortium.

In a suit filed in U.S. District Court in Manhattan on Tuesday, fellow passenger Michael Walsh said that he suffered multiple fractures requiring several surgeries and extensive medical treatment. Walsh, who was traveling home to New York from a business meeting in Washington, D.C., said that he was sitting in the first car of the train.

Both complaints cited the fact that so-called Positive Train Control technology, which is designed to automatically prevent trains from exceeding maximum posted speed limits, was not installed on the train.

Similarly, Beddoe's complaint noted that the section of track where the train derailed was not equipped with a so-called Automatic Train Control system on the tracks to notify engineers if they were traveling at excessive speed and to automatically apply the brakes if the engineer did not respond. An ATC system was installed on the southbound tracks through Frankford Junction, according to Beddoe's complaint.

"Had the train been headed southbound, rather than northbound, the ATC would have prevented the accident," Beddoe's complaint said. "But Amtrak inexplicably failed to install an ATC system near Frankford Junction in Philadelphia to protect passengers on northbound trains."

Officials with Amtrak, whose CEO has accepted full responsibility for the crash on behalf of the company, did not immediately return a message seeking comment on Wednesday.

At least **six** other **lawsuits** over the deadly crash have been **filed** in recent days.

Beddoe is represented by Joseph Messa and Thomas Sweeney of Messa & Associates PC.

Walsh is represented by Benedict Morelli, David Ratner and David Sirotkin of Morelli Alters Ratner LLP.

The cases are Trevor Beddoe et al. v. National Railroad Passenger Corp. et al., case number 150502104, in the Court of Common Pleas of Philadelphia, Pennsylvania; and Michael Walsh v. National Railroad Passenger Corp., case number 1:15-cv-03861, in U.S. District Court for the Southern District of New York.

--Editing by Christine Chun.