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Metrolink's tab for 2005 wreck is at \$30 million

The agency has settled most of the lawsuits stemming from the derailment near Glendale that killed 11.

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After years of legal wrangling, Metrolink has spent \$30 million to settle most of the lawsuits arising from the 2005 Glendale train crash that killed 11 and injured about 180, plaintiffs' attorneys said Wednesday.

Among those settlements are two injury cases, one for \$5 million and the other for \$3.8 million, and two wrongful death cases in which the heirs will receive \$3.5 million for each claim, plaintiffs' attorney Jerome Ringler said. One of those cases involves payments to the family of James Tutino, a sheriff's deputy killed in the crash.

Documents The Times obtained through a public records act request show that most of the settlements were far more modest, with one person receiving \$1,000 and many settling for less than \$50,000.

The largest settlements were not included in the Metrolink documents because the paperwork had not been completed, Ringler said.

All but about a dozen of the approximately 150 claims and lawsuits filed against Metrolink



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CARNAGE: Mangled Metrolink cars block tracks near Glendale after the train struck an SUV in 2005, killing 11.

have been settled, and the remaining cases are expected to be resolved in the next month, plaintiffs' attorneys said. Cases not settled are scheduled for trial in January.

The commuter railway released a statement Wednesday saying Metrolink was "working diligently to reach a fair and reasonable resolution of each of the few remaining cases in the Glendale derailments."

Although Metrolink has insurance, the agency will have to pay \$4 million from its own funds, said plaintiffs attorney Clark Aristel.

Most of the cases involving serious injuries and fatalities were settled in a flurry of mediation talks in the last six months, attorneys said. Plaintiffs' attorneys said Metrolink showed little interest in settling the larger cases until last April,

more than four years after the Jan. 26, 2005, collision, which was the deadliest in its history until last year's Chatsworth crash in which 25 people were killed and 135 injured.

"There was a sea change in attitude," Ringler said. "I think we developed liability theories that were extremely powerful."

The 2005 crash occurred when Compton laborer Juan Manuel Alvarez parked his Jeep Grand Cherokee on the tracks and doused the interior with gasoline in what he later claimed was a suicide attempt. A three-car southbound train being pushed by a locomotive slammed into the vehicle, skidded down the tracks and derailed. The lead passenger car crashed into an idle freight train, jackknifed and collided with a passenger train going in

the opposite direction.

Victims' attorneys at first focused on Metrolink's "push-pull" method, in which trains are pulled by a locomotive while traveling in one direction, then pushed from behind when going the other way. Because the lighter passenger cars are more easily derailed, the catastrophe could have been prevented had the locomotive been at the front, attorneys argued.

Last year, an appellate court ruled that Metrolink couldn't be sued for negligence based on the "push-pull" method because federal regulations allow it. A 2006 Federal Railroad Administration report also concluded that there was little difference in safety between trains that are pushed or pulled by locomotives, and that abandoning the practice would be impractical and possibly more dangerous.

Attorneys shifted their attention to testimony by the southbound train's engineer, Bruce Gray, who took the stand at Alvarez's 2007 criminal trial.

Gray testified that in the seconds before the crash, he saw what appeared to be a reflection coming from a vehicle about three quarters of a mile ahead, according to Aristel. Gray said he became fixated on the glimmer, and when he saw an outline of the vehicle, he hit the train's emergency brakes, according to Aristel.

Plaintiffs' attorneys seized on the discrepancy between

Gray's testimony and the data in the train's black box, which indicated that only service brakes were applied initially and that a few critical seconds passed before the emergency brakes kicked in.

Ringler said that if Gray had applied the brakes when he said he had, the deadly crash could have been avoided.

At the same time, Ringler said, the plaintiffs' case was complicated by Alvarez's conviction on 11 counts of first-degree murder. He was sentenced to life in prison for what prosecutors argued was a twisted attempt to get attention and win back the affections of his estranged wife.

Claims arising from the Chatsworth crash are in early stages. Plaintiffs' attorneys in that case said they were planning on having their experts review the crash site early next month. Attorneys have said those lawsuits will probably overwhelm a \$200-million cap that Congress imposed 11 years ago on a railroad's liability in any one accident.

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LOS ANGELES

Daily Journal

Metrolink Settles Suits From '05 Crash

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Metrolink has agreed to pay \$30 million to settle 90 percent of lawsuits arising from the 2005 Glendale crash, victims' attorneys said Wednesday.

The settlement resolves 150 of the roughly 160 wrongful death and personal injury cases against Metrolink. Two death cases and at least three significant injury cases remain unresolved and are still in settlement negotiations.

At least \$22.5 million of the settlement will go to heirs in nine wrongful death suits and individuals in 15 significant injury suits. The remainder of the settlement, from which attorneys fees will be subtracted, will be distributed to more than 100 crash victims who sustained relatively minor injuries.

In the Jan. 26, 2005 crash, a southbound commuter train hit a parked SUV, derailed, hit a parked freight train and collided with a northbound commuter train. Eleven people were killed and at least 140 injured, making it the second deadliest train collision in Los Angeles County history, after last year's Chatsworth crash.

Juan Manuel Alvarez, the man who parked his Jeep on the tracks in a suicide attempt he later aborted, was convicted last year of 11 counts of first degree murder and sentenced to 11 consecutive life terms.

"The resolution of this matter is fair and equitable, and has allowed many of the victims of this tragedy to put behind the horrible events of this tragic circumstance," said Jerome Ringler of Ringler Kearney Alvarez, co-lead counsel for crash victims.

Unresolved lawsuits have not settled because attorneys have yet to reach a figure agreed upon by both sides.

"Metrolink is working diligently to reach a fair and reasonable resolution for each of the few remaining cases in the Glendale derailment," said Metrolink spokeswoman Angela Starr.

Last month, Los Angeles County Superior Court Judge Emilie H. Elias delayed the trial date for the remaining cases from October to January to allow more time for settlement talks.

Trial is unlikely, Ringler said, but plaintiffs' lawyers are prepared to make an argument for liability — that the Metrolink engineer should have applied the brakes earlier — should the cases reach trial.

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