

Universal to Pay \$12 Million in Metrolink Crash Plaintiff was among 32 passengers injured in Burbank wreck blamed on a driver for the firm.

By Jean Guccione
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A jury has ordered Universal Studios to pay \$12 million to a woman who was seriously injured in a 2003 Metrolink crash in Burbank, finding that one of the company's truck drivers caused the collision.

The verdict is the first against the entertainment giant since the same jury last month found the company liable for the crash that killed two people and injured 32 others.

Metrolink was also sued for its role in the Jan. 6, 2003, crash but entered into confidential settlements with the victims before the cases went to trial.

Attorney Jerome Ringler, who represents Jennifer Kilpatrick, the injured woman, said the intersection was clearly marked to warn motorists of oncoming Metrolink trains.

Ringler accused the 63-year-old delivery truck driver, who died at the scene, of trying to beat the train running along San Fernando Road where it crosses Buena Vista Street.

"There were lights. There were down gates," Ringler said. "That would have warned a motorist unless he had clearly ignored them."

A spokeswoman for Universal declined to comment Friday.

At trial, lawyers for the company defended truck driver Jacek "Jack" Wysocki, saying that he was victim of the intersection's faulty design. They said his vehicle was parked at an angle that permitted him to move onto the tracks without even noticing that the crossing arm was down.

Kilpatrick was among the most seriously injured passengers on the train. Her back was broken and she spent the next three months in hospitals for surgery and rehabilitation, Ringler said. An elderly passenger died two weeks later.

An environmental lawyer, she had just boarded Metrolink train 210, heading for her office in downtown Los Angeles when the crash occurred about 9:30 a.m.

She now lives in Las Vegas with her two children and mostly uses a wheelchair because of difficulty in walking, her lawyer said. She supports herself and her family by making and selling jewelry and doing occasional legal work.

The jury awarded Kilpatrick \$11,822,867 on Thursday to cover her past and future medical expenses and pain and suffering.

Los Angeles County Superior Court Judge Coleman Swart, who presided over the trial in Pasadena, ordered lawyers for Universal and the remaining crash victims to try to negotiate a settlement. If they did not, he told the attorneys, he would let juries determine the monetary damages.

Before the trial, lawyers for Universal and the victims agreed to let the jury's decision on the company's responsibility in the first case apply to all the remaining cases.

After the 2003 crash, the National Transportation Safety Board concluded that Wysocki may have encountered confusing traffic signals at the intersection.

The board recommended that the city of Burbank install more prominent barriers to guide motorists turning from San Fernando onto Buena Vista.

It also suggested that California bar flashing red traffic signals at rail crossings and replace them with steady red lights.

The intersection remains a deadly one. In January, three years to the day after the 2003 accident, another driver was killed crossing the tracks there.

A few miles away, along the same track but in Glendale, 11 people died in a Metrolink crash last year when a Compton man abandoned his vehicle on the tracks.

Ringler, who is lead counsel in the Glendale and Burbank Metrolink crash cases, said both crashes were particularly severe because they involved trains being pushed by engines from the rear instead of pulled by locomotives.