



LA Metrolink Victims Awarded \$200 Million Dollars



By Daisy Nguyen

LOS ANGELES — A federal judge's approval of a \$200 million settlement fund for victims of a Metrolink commuter train crash was finalized this week, putting into doubt a Southern California congressman's attempt to get more money to the victims by raising a federal limit on damage payout for passenger rail accidents.

Judge George H. Wu's order to establish the fund went into effect Thursday, a month after he approved the fund and released Metrolink and Connex Railroad, a subsidiary of the French conglomerate Veolia Transportation, from further liability for the 2008 disaster that killed 25 people and injured more than 100.

Federal investigators believe that a Metrolink engineer provided by Connex was text-messaging and ran a red light before colliding with a freight train in the Chatsworth area.

The case will move to state court, where a judge was expected to start hearing testimony from victims next month before deciding how to divide the money.

The \$200 million settlement is the largest of its kind for a passenger train wreck, but it is also the maximum set by Congress in 1997 to help keep train systems such as Amtrak operating when faced with major lawsuits.

"While the size of the recovery fund and time within which it was created is unprecedented, no such fund can undo the losses suffered in this tragedy," Alan Moldawer, executive vice president and general counsel for Veolia Transportation said in a statement Friday.

Rep. Elton Gallegly, whose district is home to many of the passengers hurt in the crash, said the amount won't cover all the victims' medical expenses and properly compensate children and spouses of those killed.

The Republican pushed a bill last fall proposing to raise the liability cap to \$500 million, but it failed. He recently introduced a scaled-back version of the bill by proposing to increase the limit to \$275 million to account for inflation.

An attorney who represents 19 of the victims said he thinks that bill has a chance of altering the settlement amount because the case was pending.

"Until the judge assigns each victim X amount and everyone is paid, it's not over," Mark Hiepler said. "In the interim, should the bill get passed, there may be another legal maneuver to interrupt the case."

Gallegly's spokesman, Tom Pfeifer, said he wasn't aware of the latest development in the case and couldn't comment on how it could affect the bill.

Another plaintiff's attorney said he didn't think Gallegly's bill will affect the outcome of the case.

"All the issues have been resolved, and the cap has been paid," Paul R. Kiesel said. "The claim is over."