

Metrolink Victims Must Move Quickly to File Claims

Many of the families from the Chatsworth Metrolink train accident are still grieving over the loss of their loved ones, or still receiving care and treatment for themselves or family members.

Due to the short timelines associated with filing claims and lawsuits against governmental entities, families and victims are forced to start dealing now with the legal issues associated with this accident.

While many victims and their families have already contacted reputable attorneys about representation, including our firm, attorneys are not permitted to directly contact victims in order to solicit their business. Such direct contact is unethical and illegal.

It has been reported that attorneys are calling victims, sending letters to victims, and even attempting to visit them in their churches.

Some purportedly have gone as far as offering to pay funeral expenses in exchange for retaining their firm.



GUEST COLUMN

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Such conduct is not only unethical, it is a huge red flag to the victims and their families.

The claims process is strict. Mistakes can lead to a lawsuit being forever barred. Victims who try to navigate it themselves are taking a huge risk.

In addition to the claims process, there will be complicated legal issues once the lawsuits are actually filed

In bringing claims and lawsuits, lawyers must identify all potential responsible parties. Two of the obvious parties are Metrolink (Southern California Regional Rail Authority)

and Los Angeles County Metropolitan Transportation Authority.

Both of these parties are governmental entities. By statute, written claims must be filed with the proper entity, in the proper form, and in the proper place within six months from the date of the accident.

Once the claims are rejected, or deemed rejected, the parties have another six months to file a lawsuit. If the claims are not properly and timely filed by the victims, they lose their right to bring a lawsuit.

Other possible responsible parties are also being investigated by lawyers. Although these additional companies are not governmental entities and are not governed by the strict processes above, lawyers typically will file suit against all of the responsible parties at the same time.

Metrolink reportedly has a total of \$150 million in insurance coverage. More importantly, however, as part of the Amtrak Reform and

Accountability Act of 1997, there appears to be a \$200 million cap on damages from this accident (against all defendants).

Lawmakers included the cap as part of a package of measures to help stabilize Amtrak. However, the result of the legislation is not just to cap damages against Amtrak, but against any defendant in a railroad accident case.

Thus, the defendants as a whole may only have to pay out a total of \$200 million to victims of this accident.

Damages from this accident are clearly expected to exceed the cap. It is expected that parties will challenge the cap in Court, as well as in the legislature, by asking them to waive the cap in this situation.

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