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Conductor's Crash Suit Is Settled

Metrolink worker sued Burlington Northern Santa Fe, saying his alcoholism returned after the fatal 2002 Placentia collision.

By DAN WEIKEL
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A Metrolink conductor who said his drinking problems resumed after the Placentia train crash in 2002 will receive \$8.5 million to settle his lawsuit against one of the nation's largest railroads.

Patrick Phillips of Riverside agreed Tuesday to settle his suit against Burlington Northern Santa Fe Railway Co. The case was set to go to trial next week in Orange County Superior Court.

Phillips, now 52, suffered minor head injuries the morning of April 23, 2002, when a Burlington Northern freight train crashed into a Metrolink commuter train in Placentia. Three people died and more than 260 were injured in the early morning crash.

Though his injuries were slight, the conductor alleged that the trauma was serious enough to trigger a resurgence of his

severe alcoholism, which he said he had controlled since rehabilitation in the early 1990s.

"I have never seen a case like this in 30 years, yet it is indeed what happened here," said Jerome L. Ringler, Phillips' attorney.

"We had extensive medical evaluations by a variety of neurological specialists. All were in accord that his injury, though minor, changed his behavior."

After the train crash, Phillips was hospitalized for evaluation, but released about two hours later, Ringler said. In the months after the crash, however, Phillips allegedly resumed his alcohol abuse, resulting in at least two other hospitalizations.

Ringler said his client was finally diagnosed with alcohol-related dementia, a severe mental deficiency.

Phillips, who is now disabled after working 12 years for Metrolink, was unavailable for comment. He is living with a sister in Riverside.

Under terms of the settlement, Phillips will receive \$8.5 million, including interest, paid out over 20 years. The amount is worth about \$4.5 million in today's dollars.

Officials for Burlington Northern Santa Fe, one of the nation's four largest railroads, confirmed the settlement but declined to discuss the case.

Phillips' lawsuit is one of more than 100 civil cases stemming from the Placentia crash, which federal investigators said was caused by an inattentive Burlington Northern crew that missed a warning signal.

The lawsuits allege the collision could have been prevented by an automatic braking system, long sought by the federal National Transportation Safety Board.

They also contend that the freight train crew was fatigued by overwork and that the Burlington Northern conductor had a history of losing track of signals.

In December, an Orange County jury awarded Pamela Macek, 53, also of Riverside, about \$9 million in damages for psychological and physical injuries suffered in the crash. Her case was the first to go to trial.