



CLIFFORD LAW OFFICES®

A HISTORY OF SIGNIFICANT  
ACHIEVEMENTS IN TRAIN LITIGATION





## CLIFFORD LAW OFFICES®

MORE THAN 100 YEARS OF COMBINED  
TRAIN LITIGATION EXPERIENCE

Clifford Law Offices has litigated and settled personal injury and wrongful death suits involving Chicago Transit Authority (CTA) vehicles, Metra trains, Amtrak, and other trains and rails. We have more than 30 years of legal experience.

**1990**

### **\$9 MILLION VERDICT**

A 36-year-old master mechanic lost his arm and his spleen in a rail tragedy in Havana, Illinois when he attempted to set the handbrake on a runaway coal car that was about to strike another employee.

**2002**

### **MULTI-MILLION DOLLAR SETTLEMENT (CONFIDENTIAL)**

A multi-million dollar settlement was reached on behalf of 17 passengers who were injured when the Amtrak train they were traveling on collided with a truck in Bourbonnais, Illinois, causing the train to derail.

### **\$35 MILLION VERDICT**

Rachel Barton, a 20-year-old gifted violinist, was on her way to teach a class at a suburban Chicago music school when the doors of a Metra commuter train closed on her violin case shoulder strap and other bags, pinning her to the train doors. The train pulled out, dragging Barton nearly 300 feet. By the time she was able to free herself, she was pulled under the train, severing her legs. Good Samaritans came to her rescue, and a surgeon was able to reattach one of her legs. Following numerous surgeries, she continues to play the violin as a concert soloist.

**2003**

### **\$2.25 MILLION SETTLEMENT**

Clifford Law Offices represented the wife of a 57-year-old man who was killed in a South Shore passenger train collision with a steel coil-hauling truck at Midwest Steel in Portage, Indiana.

**2007**

### **\$2.5 MILLION SETTLEMENT**

A 57-year-old bicyclist was struck and killed by an express eastbound commuter train in Riverside, Illinois. The eastbound trains were running on tracks usually used by westbound trains. There had been a derailment that morning, causing employees of Burlington Northern Santa Fe to deactivate the pedestrian crossing gates to better access the derailment.

### **\$2.1 MILLION SETTLEMENT**

Clifford Law Offices represented six passengers on a Metra train that jumped the tracks and derailed while traveling through a crossover.

**2008**

### **\$329,350 SETTLEMENT**

Clifford Law Offices represented passengers who were trapped on a CTA Blue Line train traveling underground when it derailed and the electrical arc caused a fire on the train.

### **\$218,500 SETTLEMENT**

Clifford Law Offices represented passengers and family members who were injured while traveling on an Amtrak train from Grand Rapids, Michigan to Chicago, Illinois. An Amtrak engineer failed to slow down and struck the rear of a Norfolk Southern freight train.

**2010**

### **\$2 MILLION SETTLEMENT**

A Cook County employee suffered a fractured hip and shoulder after a speeding Metra train, heading to Chicago, derailed when the conductor ignored the switch signal and failed to perform a successful crossover from one track to another.

### **\$2.425 MILLION SETTLEMENT**

A 38-year-old pedestrian was struck by a slow-moving single engine freight train as she was crossing the Burlington Northern Santa Fe tracks at the gate crossing in Berwyn, Illinois. She sustained head injuries that claimed her life a day later.

**2012**

### **\$11.4 MILLION SETTLEMENT**

A 57-year-old mechanic suffers catastrophic orthopedic injuries and internal injuries when he was run over by a tractor-trailer while performing repairs to marker lights on the trailer.

**2016**

### **\$8.5 MILLION SETTLEMENT**

Attorneys at Clifford Law Offices represented a married couple who were crushed inside their car when a Union Pacific train derailed from a viaduct in Glenview, Illinois.

### **\$18.5 MILLION SETTLEMENT**

Clifford Law Offices represented two plaintiffs who were burned while cutting up a train that had derailed two days prior in Jefferson County, Kentucky. The plaintiffs were told by both the railroad and an environmental company that it was okay to start cutting before the explosion occurred which badly injured both of them.

**2019**

### **\$17 MILLION VERDICT**

The trial, that took place in federal district court, represents the first case to be heard involving the speeding Amtrak 501 train that killed three people and injured 60 others when traveling outside of DuPont, Washington. The National Transportation Safety Board (NTSB) concluded that the train was traveling nearly 80 miles per hour around a curve that called for a maximum speed of 30 miles per hour.

**2021**

### **ACTIVE CASE**

On September 25, 2021, Amtrak's Empire Builder 7/27 train derailed outside of Joplin, Montana, resulting in three deaths and 44 injuries. Clifford Law Offices represents 42 clients and has filed lawsuits stemming from this crash in Federal Court in Chicago and negotiated an admission of liability by Defendants Amtrak and BNSF on behalf of their clients.

## PUBLIC POLICY CHANGES THAT HAVE LED TO A SAFER WORLD

### ◆ 1987 - CHICAGO HIGH RISE FIRE

The case involving, Nancy Clay, a 31-year-old woman who died of smoke inhalation in a Chicago high-rise when firefighters were unable to reach her, despite her many calls for help, raised the public's consciousness about two primary issues- the operation of the 911 system and the adequacy and effectiveness of the city's response to a high-rise fire. The case led to significant changes in Chicago's emergency response system.

### ◆ 1989 - UNITED FLIGHT 232

As a result of our litigation work involving United Airlines Flight 232, which crash-landed in Sioux City, Iowa, after suffering catastrophic failure of its tail-mounted engine, the FAA issued Airworthiness Directives, mandating inspections on the fan blades of the General Electric CF6 engine. Modifications of the hydraulic systems on the DC-10 were also required, to prevent total loss of hydraulic power in the event of a similar incident. The crash also led to the addition of redundant safety systems in all future aircraft, and changed the way engine inspections are performed.

### ◆ 1994 - AMERICAN EAGLE FLIGHT 4184

The litigation involving the crash of American Eagle Flight 4184, which was bound from Indianapolis to O'Hare International Airport when it suddenly rolled and plunged to the ground near Roselawn, Indiana, led the National Transportation Safety Board to urge tighter regulations on flights by commuter aircraft in icing conditions.

### ◆ 1995 - METRA TRAIN ACCIDENT

Rachel Barton Pine was severely injured while exiting the Metra commuter train when the doors closed on the strap to her violin case, pinning her left shoulder to the train. The doors, which were controlled remotely and had no safety sensors, failed to reopen, and she was dragged 366 feet by the train before being pulled underneath and run over, severing one leg and mangling the other. After extensive litigation, the jury ruled in Pine's favor, prompting Metra to change its conductor safety procedures to include a "second look" - where a conductor must allow all passengers to get on board, close all doors but his own and then take a second look before closing his own door.

### ◆ 2001 - 9/11 VICTIMS' COMPENSATION FUND

Robert A. Clifford served as liaison counsel for 9/11 property damage clients. Aside from the \$1.2 billion subrogation settlements for a group of insurance companies, the real mark of that case is that he and his team were able to change the law on the federal court's subpoena power that previously extended to only 100 miles from the court to a national subpoena power. This change in the law allowed them to take the deposition of a key person - the ticket agent who let one of the terrorists through airport security - which was critical in demonstrating that checkpoint screenings at airports was decreasing while terrorism was on the rise. "I pretty much gave up my practice for the next year," Robert A. Clifford says. "We helped the Justice Department write the regulations for the 9/11 Victims' Compensation Fund, among other things."

### ◆ 2001 - UNITED AIRLINES FLIGHT 585 AND USAIR FLIGHT 427

The firm's litigation work involving the United Airlines Flight 585 crash in 1991 and the USAir Flight 427 crash in 1994 helped in obtaining a change in the rudder design of the 737 jetliners.

### ◆ 2002 - JOHN HANCOCK BUILDING SCAFFOLDING COLLAPSE

Clifford Law Offices represented victims and those who lost loved ones when high winds caused part of a 25-foot aluminum scaffold to fall from the forty-third floor of the John Hancock Center onto Chestnut Street, crushing three cars. As a result of the litigation the city code regarding scaffolds was changed in July, 2002. Prior to this tragedy the city did not require permits for scaffolds, mandating only that they be "so constructed as to ensure the safety of persons working on or passing under or passing by the scaffold." The new code stipulated stronger requirements for scaffold design and construction and mandated training courses for those erecting and working on scaffolds.

### ◆ 2003 - COOK COUNTY GOVERNMENT HIGH-RISE BUILDING FIRE (69 WEST WASHINGTON)

In October 2003, a fire broke out in a downtown Cook County

government high-rise; six people trapped in a stairwell died of smoke inhalation. The families of the majority of those who died turned to Robert A. Clifford - and right away he started agitating for change. "Now the Chicago Fire Department has increased the physical-fitness requirements for its firefighters, changed how they search for victims in a high-rise fire, increased staffing levels and what equipment is brought to the scene of such fires, and improved the communications between firefighters inside the building and those outside," Clifford says. "All this has happened because of the criticisms we pelted the fire department with during the investigation." In addition, improvements were made to Chicago's 911 response system and stairwells are no longer locked in high rise buildings during fires.

### ◆ 2003 - PORCH COLLAPSE CASE

A porch balcony gave way during a party, killing 13 people and injuring 57 others. Clifford Law Offices represented a number of those victims who were injured or the families of those who were killed and ultimately led to a tightening of Chicago ordinances and greater inspection of porches attached to buildings.

*My perspective from the bench allowed me to gain insight into trial decisions and strategies. As a judge, it was my job to ensure that the parties received a fair forum in a respectful setting. I see the opportunity at Clifford Law Offices as a way to continue my desire to help individuals in seeking justice in serious claims, and I decided to make a commitment to one of the top firms in the country. I feel strongly for the need to address each case in a professional and thorough manner. We seek out the best experts. We examine every possible viable theory in filing lawsuits on behalf of our clients.*

— Hon. Henry R. Simmons (Ret)



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