

CSX Liable for \$50 Million in Punitive Damages

U.S. Supreme Court Rules In Favor Of Woman's Fight Against CSX

On Tuesday, Oct. 3, the U.S. Supreme Court handed down a decision to CSX Transportation Inc. denying a June 9 petition to hear the case. This affirms a Cooper City, Fla., woman's nine-year battle against the railroad giant.

The plaintiff, Angelica Palank, with the help of attorneys Chris Searcy and Greg Barnhart, filed suit against CSX Transportation Inc. for the death of her husband Paul in 1991.

On July 30, 1997, six jurors found CSX, which is based in Jacksonville, liable for \$50 million in punitive damages. CSX appealed the decision. In August 1999, the Fourth District Court of Appeals, in a seven page opinion, affirmed the six jurors' 1997 verdict. CSX responded with an appeal to the Florida Supreme Court which, on March 15, 2000, refused to accept jurisdiction to review the case. CSX then appealed to the U.S. Supreme Court.

On July 31, 1991, eight people, including Paul Palank, were killed in Lugoff, S.C., when the last five passenger cars of a Miami-to-Washington Amtrak train switched to



a side track and smashed into nine parked freight cars. Federal Safety Regulations require railroads to carefully inspect main line switches at least twice a week. An extensive investigation revealed that a faulty main line switch, which had been broken for at least 7 months, opened, causing the train to derail. CSX owns the Lugoff tracks and approximately 30,000 miles of track between New York and Miami. Records show that an audit done by the Federal Railroad Administration (FRA), as early as 1987, showed gross deficiencies in CSX's staffing and inspection practices. ■

***Miami Metro* magazine contributor
Linda Marx wrote a feature on Mrs. Palank's
fight with CSX. Enclosed is a reprint of
that October 2000 article.**