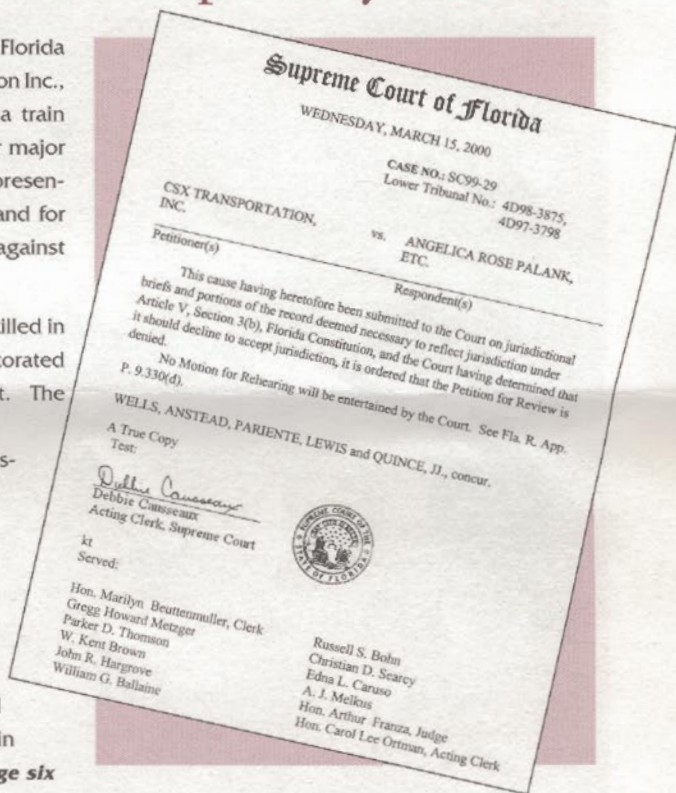


# Florida Supreme Court Affirms \$50 Million Verdict For A Cooper City Woman

On March 15, 2000, the Supreme Court of Florida handed down a decision to CSX Transportation Inc., refusing to accept jurisdiction to review a train derailment case. This became yet another major victory for Angelica Palank, the personal representative of her deceased husband's estate, and for attorneys Chris Searcy and Greg Barnhart, against the railroad giant.

In 1991, Mrs. Palank's husband, Paul, was killed in a train derailment accident. Paul was a decorated officer with the Miami Police Department. The Florida Supreme Court wrote, "...the Court having determined that it should decline jurisdiction, it is ordered that the Petition for Review is denied. No Motion for Rehearing will be entertained by the Court."

After the Florida Supreme Court's ruling, CSX was hit with another blow. In April, *The Associated Press* and *The Washington Post* reported that the Federal Railroad Administration (FRA) began a safety audit in February on CSX tracks. **continued on page six**



## **Florida Supreme Court Affirms \$50 Million Verdict**

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The audit found a 60 percent increase in track-caused accidents over five years on CSX's 22,700 mile system.

The nine-year battle between Palank and CSX began on July 31, 1991, when eight people, including Paul Palank, were killed in Lugoff, S.C. The last six passenger cars of a Miami-to-New York Amtrak train switched to a sidetrack and smashed into nine parked freight cars. Federal Safety Regulations required railroads to carefully inspect mainline switches at least twice a week. A faulty mainline switch, which was known by CSX to be broken for at least 7 months, opened and caused the train to derail. In essence, CSX, a Jacksonville based company, made a very deliberate decision not to maintain their tracks, putting profit before human safety. Records showed that an audit done by the FRA as early as 1987 showed gross deficiencies in CSX's staffing and inspection practices.

In 1993, Mrs. Palank filed a complaint against CSX.

On July 30, 1997, a jury determined that the accident was caused by a poorly maintained railroad track and awarded the estate of Paul Palank \$50 million in punitive damages. On Oct. 10, 1993, Broward Circuit Court Judge Arthur Franza upheld the jury's verdict. In his 19-page order he wrote, "These inspections were not professional, not reasonable and did not comply with CSX and FRA regulations. It should have been known to eventually lead to, and end in, tragedy." Judge Franza went on to write, "This Court finds the evidence to be clear and convincing, sufficiently showing that the Defendant's conduct in breaching its duty, was deliberate, reckless, willful, and wanton, evincing a reckless disregard for the safety of rail passengers and the public at large. This [CSX's] behavior was tantamount to manslaughter."

Shortly after the order was released, CSX appealed the decision.

In August 1999, the Fourth District Court of Appeals, in a seven page opinion, affirmed the six jurors' 1997 verdict and Judge Franza's decision. The opinion was written by the Honorable Judge John Dell, with Honorable Judges Mark Polen and Matthew Stevenson concurring. The Court stated, "We hold that the evidence presented supports Judge Franza's conclusion that the jury properly awarded punitive damages."

Mrs. Palank is the mother of two and a Councilwoman in Cooper City. She maintains a vigilant and steadfast fight against CSX, both as an activist and a political lobbyist, to ensure railroad safety throughout the United States. ■