

Nev. trucking firm's judgment in deadly Amtrak crash may grow

By Scott Sonner, AP

RENO – A Nevada trucking company could be forced to pay more than \$5.7 million if a judge formalizes a jury verdict that faulted one of its drivers for a fiery 2011 crash with an Amtrak train that killed six people and injured dozens.

A federal jury in Reno awarded \$4.5 million to Amtrak and \$210,777 to Union Pacific Railroad for damages resulting from John Davis Trucking Co.'s negligence when one of its trucks slammed into the side of a passenger train at a rural crossing 70 miles east of Reno. Conductor Laurette Lee, 68, of South Lake Tahoe was killed.

U.S. District Judge Howard McKibben put the judgment on hold until Sept. 29 to consider adding up to another \$1 million or more in attorney fees and interest to the railroad companies' award.

The truck driver, a train conductor and four passengers on the California Zephyr died in the crash where a highway crosses the tracks on June 24, 2011.

Amtrak and Union Pacific sued, seeking damages of up to \$11 million from John Davis Trucking after the National Transportation Safety Board concluded in December 2012 that the wreck most likely was caused by an inattentive trucker with a history of speeding violations driving a tractor-trailer with faulty brakes.

Lawyers for the trucking firm told jurors during the four-week trial last month that Union Pacific Railroad officials

manipulated or destroyed evidence that would have proved a malfunctioning crossing gate and signal lights were responsible for the crash.

Railroad attorneys presented video clips from a camera mounted on the locomotive that they said proved the truck driver, Larry Valli of Winnemucca, Nevada, ignored flashing lights, a functioning gate and repeated whistle blasts before slamming into the fourth car of the train after two locomotives and a baggage car already had cleared the crossing.

"It was almost like a rocket hitting, blew up and burned," Amtrak lawyer Mark Landman said. "We will never know what Mr. Valli was doing. One thing we know he was not doing was looking where he was going."

The biggest chunk of the award to Amtrak in the jury verdict returned Aug. 29 was for damage to three rail cars, \$2.5 million, along with \$1.2 million for medical costs for employees and passengers. Union Pacific's award included \$162,835 to cover costs of repairing the signal system damaged in the crash.

John Moore, a Reno lawyer for the railroads, filed a motion last week seeking more than \$756,000 in interest due to Amtrak and \$34,000 in interest due to Union Pacific. That alone would push the judgment past \$5.5 million, with attorney fees expected to total several hundred thousand dollars or more still to be determined.

The train bound from Chicago to Emeryville, California, was three hours behind schedule when it left Salt Lake City on the day of the crash.

The children of the conductor Lee are among those who have filed separate lawsuits over the crash, naming Valli and John Davis Trucking as defendants. The passengers killed in the accident were: Cheuy Ong, 34, of West Jordan, Utah; Francis Knox, 58, and Karly "Annie" Knox, 18, of Seward, Neb.; and Barbara Bell, 60, of United Kingdom.