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\$11 million accord reached in 2 Metra derailment deaths

By John Flynn Rooney
Law Bulletin staff writer

The families of two women killed in a 2005 Metra train derailment were awarded a total of \$11 million under settlements approved Wednesday in Cook County Circuit Court.

Circuit Judge Thomas L. Hogan entered orders approving the settlements in two wrongful-death cases stemming from the Sept. 17, 2005, derailment of a Rock Island Metra District train on Chicago's South Side.

More than 90 claims were filed after the accident, said Daniel M. Kotin, who along with fellow Corboy & Demetrio P.C. partner Shawn S. Kasserman serves as lead counsel for the plaintiffs. About 30 claims were resolved, while another 60 or so remain pending, Kotin added, noting that the Corboy firm represents about 35 plaintiffs.

National Transportation Safety Board investigators have said that signals appeared to have directed the engineer to slow to 10 mph to change tracks just before the derailment. Instead, the train hit a crossover at 69 mph, causing the train to leave the tracks, according to the NTSB.

Michael Smith, the train's operator, had contended for more than three years that the track signal indicated it was safe to switch tracks at a high speed, Kasserman said. About three weeks ago,

Smith admitted proceeding through the crossover at an unsafe speed, resulting in the derailment, he added.

The women who were killed in the derailment were Allison Walsh, 38, of New Lenox, a biologic-genetic research technician at Brookfield Zoo, and Jane Cuthbert, 22, of Oak Forest, a student at the University of Illinois at Chicago.

Cuthbert's estate will receive \$6 million, while Walsh's case settled for \$5 million, according to their attorneys. Cuthbert is survived by an older brother. *Jean Cuthbert, independent administrator of the Estate of Jane Cuthbert, deceased v. Northeast Illinois Regional Commuter Railroad Corp., d/b/a Metra, a corporation, and Michael Smith*, No. 05 L 10216.

Walsh is survived by her parents and younger brother. *Warren Walsh, Independent Administrator of the Estate of Allison Walsh, deceased v. Metra and Michael Smith*, No. 10794.

John W. Patton Jr. and Cecil F. "Chip" Boyle Jr. of Patton & Ryan LLC in Chicago represented Metra. Thomas P. Mannion, a Cleveland lawyer, represented Smith. William T. Gibbs, a Corboy & Demetrio associate, also represented the plaintiffs.

A Jan. 12, 2009, trial is set to begin before Hogan in the case of a female passenger who was severely injured in the derailment.