

## Michael Demetrio Comments on Trucker's Conviction in Bourbonnais Amtrak Train Crash

Chris Fusco and Steve Patterson

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The man who drove a truck loaded with 18 ½ tons of steel into the path of a New Orleans-bound Amtrak train in Bourbonnais could be headed to prison after being convicted Wednesday on felony charges connected to the tragedy.

Kankakee County Judge Clark Erickson found John R. Stokes, 63, of Manteno, guilty of driving more than the maximum 10 hours in a 24-hour period and falsifying his logbook before the March 15<sup>th</sup>, 1999, crash that killed 11 people and injured 122 about 50 miles southwest of Chicago.

Stokes could face a prison sentence up to three years when he's sentenced September 22. Criminal charges against Stokes, prosecuted by the Illinois Attorney General's office because the Kankakee County State's Attorney cited a possible conflict of interest took months to file.

While the National Transportation Safety Board clearly blamed a tired Stokes for driving past activated railroad warning signals and onto the tracks, an Illinois State Police investigation cited faulty railroad crossing gates. Stokes never faced homicide charges.

Attorney General Lisa Madigan vowed that she will seek "the maximum penalty provided by law, and based upon these convictions, will attempt to ensure that John Stokes never again operates a commercial motor vehicle," said her spokeswoman, Melissa Merz.

Stokes' commercial driver's license was briefly suspended after the crash but he regained it, said his attorney, Leonard Sacks.

### Attorneys

- Michael K. Demetrio

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As a condition of his bond, however, he could not drive a truck out of state. Sacks declined to comment about whether Stokes has been working as a truck driver recently. He was driving for Melco Transfer Inc. in Peotone when the crash occurred.

In Bourbonnais, the impact of the 79 mph Amtrak train against the steel-weighted truck destroyed two locomotives and 11 of the 14 train cars.

Dozens of civil lawsuits were filed in the months after the crash, and about half a dozen are still pending against Amtrak and other defendants, said the company's spokesman, Marc Magliari.

"The remaining actions have all been resolved short of trial," he said, refusing to detail any settlements Amtrak might have reached. Lawsuits were filed in Illinois, Louisiana and Texas against Amtrak, Melco Transfer, the Illinois Central Railroad and Birmingham Steel, among others.

Michael K. Demetrio, whose firm represents many of those who sued, said many of the cases have been partially settled and that he can't divulge damages details.