

# GUIDING A RAILCAR OWNER THROUGH THE LEGAL AFTERMATH OF A MULTIMILLION-DOLLAR TRAIN DERAILMENT.

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## Our Client's Challenge

On a cold January morning, a northbound freight train operated by a Class I railroad company derailed as it traveled through a curve in Shepherdsville, Kentucky. Half of the 26 cars that derailed contained hazardous flammable liquid, including three that ignited and burned. About 500 people were evacuated from the area and 52 were treated at local hospitals for minor injuries related to the hazardous materials release and fire. The accident caused tens of millions of dollars in property damage, and it led to a class action lawsuit and several individual cases alleging personal injuries and property damage. The owner of one of the train cars identified as a potential cause of the accident retained Lightfoot to take on this multifaceted case.

## Our Approach

Lightfoot defended the railcar company in all of the litigation related to the incident and helped it navigate the related NTSB probe, including the submission of multiple factual statements about the company's own investigation. Complex litigation and investigations are part of Lightfoot's DNA, so we quickly assembled a team, established a strategy and got to work.

Our team sought out more than a dozen experts who assisted with both the litigation and parallel NTSB investigation. Teamwork among the legal team is critical for ensuring the best results for a client, and we pride ourselves on our ability to coordinate with other counsel in complex matters. In this case, we worked closely with another seasoned railroad lawyer as well as local counsel in Kentucky.

Lawyers were not allowed to attend multiple inspections that required the assistance of experts and internal personnel from the railcar company, but we prepared the team in advance and guided the work afterwards. We worked closely with our experts to tell our client's story, including exemplar testing on actual railroad track. Our attorneys boarded a train and got in the driver's cabin to run simulations and disprove the theory that our client's railcar was the cause of the accident.

We also assigned a Lightfoot attorney to manage all of the moving parts from a high level. Not only did litigation involve the NTSB investigation, but our client also faced a class action, several individual actions and a \$50 million indemnity claim from the railroad company, who sued our client after being its co-defendant for the other cases. Having a lawyer with excellent litigation management skills allowed all of these cases and changes to be handled seamlessly so that efforts weren't duplicated and everyone, including the client, was aware of the latest developments.

After our extensive testing and work alongside our dozens of experts, the Lightfoot team ultimately crafted a creative strategy to explain and graphically depict our theories surrounding the accident.

## The Result

We were able to reach a favorable settlement in the federal court class action and in the other individual cases. The indemnity case was eventually settled at mediation after significant discovery and motions. Although the

NTSB identified our client's car as the "probable cause," it did not recommend any safety recommendations as a result of the incident. This was a huge victory for our client, sparing them from burdensome implementation processes and significant costs.