

COFFEY KAYE MYERS & OLLEY
BY: ROBERT E. MYERS, ESQUIRE
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Bala Cynwyd, Pennsylvania 19004
(610) 668-9800

Attorneys For: Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRUCE A. PHILLIPS AND : CIVIL ACTION
KALITA PHILLIPS (H/W) :
2819 S. 67th Street :
Philadelphia, PA 19142 :
 :
 :
 :
 :
 Plaintiffs :
 :
 vs. : JURY TRIAL DEMANDED
 :
 :
 :
 NATIONAL RAILROAD PASSENGER : NO.:
 CORPORATION (AMTRAK) :
 :
 :
 Defendant :

COMPLAINT

COUNT I - FELA

1. The plaintiff herein is Bruce A. Phillips, a citizen and resident of the State of Pennsylvania, residing therein at 2819 S. 67th Street, Philadelphia, PA 19142.
2. This action arises under the Act of Congress, April 22, 1908, c. 149, 35 Stat. 65, and amendments thereto, U.S.C.A. Title 45, § 51 et seq., and further amended by the Act of

Congress, approved by the President of the United States on August 11, 1939, Chapter 685 - First Session of the 76th Congress, known and cited as "The Federal Employers' Liability Act".

3. The defendant is a corporation duly organized and existing under and by virtue of the laws of the United States of America and regularly does business in the Eastern District of Pennsylvania.

4. At the time and place hereinafter mentioned and for a long time prior thereto, the defendant, as a common carrier, operated trains carrying passengers, freight, express packages, baggage and foreign and domestic mail, in commerce, between the different states of the United States and its territories.

5. At the time and place hereinafter mentioned, the acts of omission and commission, causing the injuries to the plaintiff, were done by the defendant, its agents, servants, workmen and/or employees, acting in the course and scope of their employment with and under the control of the defendant.

6. At the time and place hereinafter mentioned, the plaintiff and the defendant were engaged in interstate commerce between the different states of the United States and its territories.

7. At all times material hereto, plaintiff was employed by defendant National Railroad Passenger Corporation.

8. All of the property, equipment and operations involved in the accident herein referred to were owned by and under the control of the defendant, its agents, servants, workmen and/or employees.

9. As a result of the accident herein referred to, plaintiff has suffered a loss and impairment of earnings and earning power and will suffer the same for an indefinite time in the

future; has undergone great physical pain and mental anguish and will undergo the same for an indefinite time in the future; has been obliged to and will have to continue to expend large sums of money in the future in an effort to effect a cure of his aforesaid injuries; has been unable to attend to his usual duties and occupation and will be unable to attend to the same for an indefinite time in the future, all to his great detriment and loss.

10. The accident herein referred to was caused solely and exclusively by the negligence of the defendant, its agents, servants, workmen and/or employees, and was due in no manner whatsoever to any act or failure to act on the part of the plaintiff.

11. On or about May 12, 2015, at or about 9:23 p.m., the plaintiff was employed by Amtrak.

12. On the aforementioned date and at the aforementioned time, plaintiff was dead-heading from Philadelphia to New York City and was located on Amtrak's Northeast Regional Train No. 188.

13. On the aforementioned date and at the aforementioned time, plaintiff was located on train No 188 for the convenience of Amtrak and to promote Amtrak's interstate railroad transportation services.

14. On the aforementioned date and at the aforementioned time, plaintiff was located on train No 188 for Amtrak's benefit and in furtherance of Amtrak's operational activities.

15. On the aforementioned date and at the aforementioned time, plaintiff was located in one of the rear railcars of train No. 188.

16. On the aforementioned date and at the aforementioned time, as a result of Amtrak's negligence and carelessness, and further as a result of its violation of federal statutes, federal

regulations, local statutes and ordinances, local regulations, and accepted industry rules, regulations, standards, and practices, train No. 188 and all of the cars of that train derailed at or near the Frankford Junction in or near the Port Richmond section of Philadelphia, Pennsylvania.

17. As a result of the aforementioned derailment, plaintiff was violently hurled about the railcar, striking his body on numerous parts of the railcar interior, before slamming onto the floor, as a result of which he sustained the serious and permanent personal injuries set forth herein.

18. At no time did the plaintiff act in a negligent, careless, or improper manner and the entire accident and derailment was caused by Amtrak's actions and inactions.

19. The negligence of Amtrak, individually and/or through its agents, servants, workmen and/or employees, included but is not limited to, failing to properly and safely operate the train, operating the train at an excessive speed; operating the train at a speed and in a manner that was unsafe in light of the geographic conditions and the train and track configuration; failing to have sufficient personnel to safely operate the train; failing to provide available, necessary and appropriate systems to slow and/or stop the train, if and/or when the engineer failed to properly operate the train and/or failed to operate it at a safe speed under the circumstances and/or when other circumstances caused the train to operate at an unsafe speed; failing to properly promulgate and enforce necessary timetables, bulletins, rules and instructions for the safe operation of the train; its failure to make certain that the train was being operated safely; its failure to properly train and instruct the train crew on safe train operations, particularly at or near the accident site; its failure to properly oversee and control the movement of the train; operating the train in an area of curved track at twice the legal track speed limit; and failure to warn plaintiff of these dangerous conditions.

20. The aforesaid accident was caused by the negligence of the defendant, its agents, servants, workmen and/or employees, and by the defendant's violation of "The Federal Employers' Liability Act," the Federal Locomotive Inspection Act and the Federal Safety Appliances Act, and was due in no manner whatsoever to any act or failure to act on the part of the plaintiff.

21. As a result of the aforesaid accident, plaintiff sustained severe injuries to his body. More specifically, plaintiff sustained traumatic brain injury, multiple contusions and lacerations of the body, and multiple orthopedic and neurological injuries. Furthermore, plaintiff has sustained emotional trauma. The full extent of plaintiff's injuries is not presently known.

WHEREFORE, plaintiff claims of the defendant, a sum in excess of One Hundred Fifty Thousand Dollars (\$150,000.00).

COUNT II- BRUCE A. PHILLIPS - COMMON LAW CLAIMS

22. The plaintiff herein is Bruce A. Phillips, a citizen and resident of the Commonwealth of Pennsylvania residing therein at 2819 S. 67th Street, Philadelphia, PA 19142.

23. The defendant is a corporation duly organized and existing under and by virtue of the laws of the United States of America with its principal place of business located in Washington, D.C.

24. The jurisdiction of this Court is based upon 28 U.S.C. § 1331, federal question jurisdiction, because Amtrak was created and is regulated by the laws of the United States.

25. The jurisdiction of this Court is further based upon 28 U.S.C. § 1332, diversity of citizenship jurisdiction, because the plaintiffs are citizens of the Commonwealth of Pennsylvania and the defendant is a citizen of the District of Columbia.

26. The defendant is a corporation duly organized and existing under and by virtue of the laws of the United States of America and regularly does business in the Eastern District of Pennsylvania.

27. At all times material hereto Amtrak was a common carrier for hire and plaintiff was an employee, passenger and business invitee on its train.

28. At the time and place hereinafter mentioned, the acts of omission and commission, causing the injuries to the plaintiff, were done by the defendant, its agents, servants, workmen and/or employees, acting in the course and scope of their employment with and under the control of the defendant.

29. All of the property, equipment and operations involved in the accident herein referred to were owned by and under the control of the defendant, its agents, servants, workmen and/or employees.

30. As a result of the accident herein referred to, plaintiff has suffered a loss and impairment of earnings and earning power and will suffer the same for an indefinite time in the future; has undergone great physical pain and mental anguish and will undergo the same for an indefinite time in the future; has been obliged to and will have to continue to expend large sums of money in the future in an effort to effect a cure of his aforesaid injuries; has been unable to attend to his usual duties and occupation and will be unable to attend to the same for an indefinite time in the future, all to his great detriment and loss.

31. The accident herein referred to was caused solely and exclusively by the negligence of the defendant, its agents, servants, workmen and/or employees, and was due in no manner whatsoever to any act or failure to act on the part of the plaintiff.

32. On or about May 12, 2015, at or about 9:23 p.m., the plaintiff was employed by Amtrak.

33. On the aforementioned date and at the aforementioned time, plaintiff was dead-heading from Philadelphia to New York City and was located on Amtrak's Northeast Regional Train No. 188.

34. On the aforementioned date and at the aforementioned time, plaintiff was located on train No 188 for the convenience of Amtrak and to promote Amtrak's interstate railroad transportation services.

35. On the aforementioned date and at the aforementioned time, plaintiff was located on train No 188 for Amtrak's benefit and in furtherance of Amtrak's operational activities.

36. On the aforementioned date and at the aforementioned time, plaintiff was located in one of the rear railcars of train No. 188.

37. On the aforementioned date and at the aforementioned time, as a result of Amtrak's negligence and carelessness, and further as a result of its violation of federal statutes, federal regulations, local statutes and ordinances, local regulations, and accepted industry rules, regulations, standards, and practices, train No. 188 and all of the cars of that train derailed at or near the Frankford Junction in or near the Port Richmond section of Philadelphia, Pennsylvania.

38. As a result of the aforementioned derailment, plaintiff was violently hurled about the railcar, striking his body on numerous parts of the railcar interior, before slamming onto the floor, as a result of which he sustained the serious and permanent personal injuries set forth herein.

39. At no time did the plaintiff act in a negligent, careless, or improper manner and the entire accident and derailment was caused by Amtrak's actions and inactions.

40. The negligence of Amtrak, individually and/or through its agents, servants, workmen and/or employees, included but is not limited to, failing to properly and safely operate the train, operating the train at an excessive speed; operating the train at a speed and in a manner that was unsafe in light of the geographic conditions and the train and track configuration; failing to have sufficient personnel to safely operate the train; failing to provide available, necessary and appropriate systems to slow and/or stop the train, if and/or when the engineer failed to properly operate the train and/or failed to operate it at a safe speed under the circumstances and/or when other circumstances caused the train to operate at an unsafe speed; failing to properly promulgate and enforce necessary timetables, bulletins, rules and instructions for the safe operation of the train; its failure to make certain that the train was being operated safely; its failure to properly train and instruct the train crew on safe train operations, particularly at or near the accident site; its failure to properly oversee and control the movement of the train; operating the train in an area of curved track at twice the legal track speed limit; and failure to warn plaintiff of these dangerous conditions.

41. The aforesaid accident was caused by the negligence of the defendant, its agents, servants, workmen and/or employees, and by the defendant's violation of the Federal Locomotive

Inspection Act and the Federal Safety Appliance Act, and was due in no manner whatsoever to any act or failure to act on the part of the plaintiff.

42. As a result of the aforesaid accident, plaintiff sustained severe injuries to his body. More specifically, plaintiff sustained traumatic brain injury, multiple contusions and lacerations of the body, and multiple orthopedic and neurological injuries. Furthermore, plaintiff has sustained emotional trauma. The full extent of plaintiff's injuries is not presently known.

WHEREFORE, plaintiff claims of the defendant, a sum in excess of One Hundred Fifty Thousand Dollars (\$150,000.00).

COUNT III – KALITA PLAINTIFF – LOSS OF CONSORTIUM

43. All the averments contained in Count II are incorporated herein as if set forth at length.

44. The plaintiff herein is Kalita Phillips, a citizen and resident of the Commonwealth of Pennsylvania, residing therein at 2819 S. 67th Street, Philadelphia, PA 19142.

45. The defendant is a corporation duly organized and existing under and by virtue of the laws of the United States of America with its principal place of business located in Washington, D.C.

46. The jurisdiction of this Court is based upon 28 U.S.C. § 1331, federal question jurisdiction, because Amtrak was created and is regulated by the laws of the United States.

47. The jurisdiction of this Court is further based upon 28 U.S.C. § 1332, diversity of citizenship jurisdiction, because the plaintiffs are citizens of the Commonwealth of Pennsylvania and the defendant is a citizen of the District of Columbia.

48. As a result of the injuries sustained by husband-plaintiff as aforesaid, wife-plaintiff has been deprived of the society, companionship and consortium of her husband-plaintiff herein, and she will be deprived of the same for an indefinite time in the future, to her great detriment and loss.

WHEREFORE, plaintiff claims of the defendant, a sum in excess of One Hundred Fifty Thousand Dollars (\$150,000.00).

COUNT IV – HUSBAND AND WIFE – PUNITIVE DAMAGES

45. The plaintiffs incorporate the averments contained in Counts II and III as set forth herein at length.

46. At all times material hereto, the defendant, acted in an outrageous, willful and grossly reckless manner.

47. At all times material hereto, the defendant, acted with a wanton disregard and reckless indifference to the rights and welfare of the plaintiffs herein, including but not limited to operating the train on curved track at twice the legal track speed limit.

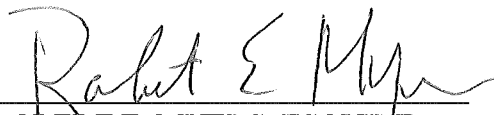
48. At all times material hereto, the defendant, acted with a wanton disregard and reckless indifference to the rights and welfare of the passengers located on train No. 118 on or about May 12, 2015 at or about 9:23 p.m.

49. As a result of the outrageous, willful and grossly reckless conduct of the defendant, in which there was a wanton disregard and reckless indifference to the rights and welfare of the plaintiff herein, plaintiff is entitled to punitive damages against the defendant.

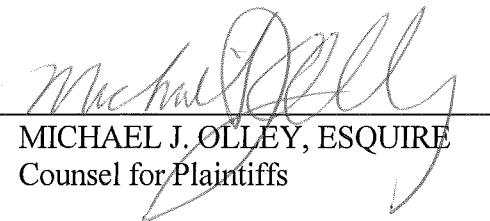
WHEREFORE, plaintiffs each claim of the defendant, a sum in excess of One Hundred Fifty Thousand Dollars (\$150,000.00).

Respectfully submitted,

COFFEY KAYE MYERS & OLLEY

BY: 
ROBERT E. MYERS, ESQUIRE
Counsel for Plaintiffs

COFFEY KAYE MYERS & OLLEY

BY: 
MICHAEL J. OLLEY, ESQUIRE
Counsel for Plaintiffs

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p>BRUCE A. PHILLIPS AND KALITA PHILLIPS (H/W)</p> <p>(b) County of Residence of First Listed Plaintiff <u>PHILADELPHIA</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> Robert E. Myers, Esquire Coffee Kaye Myers & Ollie 718 Two Bala Plaza, Bala Cynwyd, PA 19004 (610) 668-9800</p>	<p>DEFENDANTS</p> <p>AMTRAK</p> <p>County of Residence of First Listed Defendant <u>PHILADELPHIA</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">PTF</td> <td style="width:33%;">DEF</td> <td style="width:34%;"></td> </tr> <tr> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Citizen of This State</td> </tr> <tr> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Citizen of Another State</td> </tr> <tr> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Citizen or Subject of a Foreign Country</td> </tr> <tr> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> <td>Incorporated or Principal Place of Business In This State</td> </tr> <tr> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> <td>Incorporated and Principal Place of Business In Another State</td> </tr> <tr> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> <td>Foreign Nation</td> </tr> </table>	PTF	DEF		<input type="checkbox"/> 1	<input type="checkbox"/> 1	Citizen of This State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Citizen of Another State	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 6	<input type="checkbox"/> 6	Foreign Nation
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IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input checked="" type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	PROPERTY RIGHTS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	
			IMMIGRATION	SOCIAL SECURITY	
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
				FEDERAL TAX SUITS	
				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN *(Place an "X" in One Box Only)*

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
28 U.S.C. Section 1332; Amtrak enabling statute

Brief description of cause:
on 5/12/15 Amtrak trail No. 188 derailed resulting in severe injuries.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE _____ DOCKET NUMBER _____

DATE 05/14/2015 SIGNATURE OF ATTORNEY OF RECORD Robert E. Myers

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFF _____ JUDGE _____ MAG JUDGE _____

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2819 S. 67th Street, Philadelphia, PA 19142

Address of Defendant: 30th St. Station 2nd. Floor, 30th & Market St., Phila. PA 19104

Place of Accident, Incident or Transaction: Frankford Junction - Port Richmand, Phila., PA (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes [] No [X]

Does this case involve multidistrict litigation possibilities? Yes [] No [X]

RELATED CASE, IF ANY: None Known

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes [] No [X]
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes [] No [X]
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes [] No [X]
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes [] No [X]

CIVIL: (Place [X] in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1. [] Indemnity Contract, Marine Contract, and All Other Contracts
2. [X] FELA
3. [] Jones Act-Personal Injury
4. [] Antitrust
5. [] Patent
6. [] Labor-Management Relations
7. [] Civil Rights
8. [] Habeas Corpus
9. [] Securities Act(s) Cases
10. [] Social Security Review Cases
11. [] All other Federal Question Cases (Please specify)

B. Diversity Jurisdiction Cases:

- 1. [] Insurance Contract and Other Contracts
2. [] Airplane Personal Injury
3. [] Assault, Defamation
4. [] Marine Personal Injury
5. [] Motor Vehicle Personal Injury
6. [] Other Personal Injury (Please specify)
7. [] Products Liability
8. [] Products Liability — Asbestos
9. [] All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Robert E. Myers, Esq., counsel of record do hereby certify:

- [] Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
[] Relief other than monetary damages is sought.

DATE: 5/14/15

Handwritten signature of Robert E. Myers

23762 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5/14/15

Handwritten signature of Robert E. Myers

23762 Attorney I.D.#

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CASE MANAGEMENT TRACK DESIGNATION FORM

BRUCE A. PHILLIPS AND
KALITA PHILLIPS (H/W)

vs.

CIVIL ACTION

NO.

AMTRAK

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

May 14, 2015 Robert E. Myers, Esq. Plaintiffs
Date Attorney-at-law Attorney for

610-668-9800 610-667-3352 _____
Telephone FAX Number E-Mail Address