

Manhattan attorney wins train case

Staff reports

A Manhattan attorney represented relatives of the victims of a Minnesota train crash who were awarded more than \$21 million in a claim against Burlington Northern Railroad.

Robert Pottroff, whose law office is based in Manhattan, argued for the family of Brian Frazier and three other young adults in a case that stemmed from a 2003 crash in which they were killed. A jury awarded families of the victims \$21.6 million, and a judge last week assessed an additional \$4 million to them and the attorneys.

The accident occurred in

Anoka, a city just north of Minneapolis.

Testimony during the trial had convinced jurors that that railroad merited 90 percent of the fault from the accident in part due to a faulty gate and in part due to railroad efforts to lose or destroy evidence.

"When encountering conduct as egregious as that of BNSF, this court ... has a duty to impose sanctions of a sufficient severity in order to deter future misconduct," president Judge Ellen Maas ruled.

Burlington Northern officials had argued that the driver of the vehicle ignored a warning signal and tried to beat the

crossing gate. The jury concluded that the gate was not working properly.

Pottroff was called in on the case by survivors of the four victims because of his national reputation in railroad-related cases. "We can't find a parallel case with so many levels of abuse," he said following the verdict.

The judge found that the railroad company lost or fabricated evidence, interfered with the families' investigation of the accident, and "knowingly advanced lies, misleading facts and/or misrepresentations" in order to conceal the truth.