

PRESS RELEASE FROM ATTORNEY KEVIN GLASHEEN

JANUARY 23, 2013

Today, January 23rd, the law firm Glasheen, Valles & Inderman, based in Lubbock, Texas and Co-counsel Bob Pottroff of Manhattan, Kansas filed an amended Petition in the lawsuit arising out of a train wreck in Midland on November 15, 2012.

The law firm originally filed a complaint on behalf of Richard Sanchez and his wife and Todd King and his wife, veterans and their wives who were injured when Union Pacific train struck the Midland parade honoring wounded veterans. Mr. Sanchez was paralyzed in the wreck and is still being treated for paraplegia at Craig Hospital in Denver. Heather and Richard Sanchez have 3 young children. The other original Plaintiffs, Todd and Laci King, live in San Antonio. Todd King suffered back injuries and PTSD, and his wife, Laci, suffered a knee injury.

The amended Petition adds Aaron and Laura Kibby of North Carolina, Thomas and Keli Pleyo of San Angelo, Texas, Shane and Meg Ladner of Georgia, Travis and Elsie Reichert of Wisconsin, and the family of Joshua Michael, deceased, of San Antonio.

Keli Pleyo suffered back injuries and is still being treated for an open wound. Meg Ladner lost her leg at the hip and is still hospitalized in Atlanta, Georgia. Joshua Michael, deceased, left a wife and two young children, and is survived by his parents. Travis Reichert suffered some physical injury and PTSD. The Kibbys, along with most others on the float, reportedly suffer from PTSD.

District Judge Satterwhite, 441st District Court in Midland, Texas, has set the trial for the week of April 14, 2014. The case is expected to take three to four weeks to try. A separate suit was filed in Dallas on behalf of the families of deceased veterans, Stouffer and Boivin. Union Pacific Railroad has filed a Motion to Transfer the Dallas case to Midland.

The Midland lawsuit also names Smith Industries as a Defendant. Smith owned the truck and employed the driver who was driving the tractor/trailer in the parade which was struck by the train. The Railroad has also filed a cross-claim against Smith Industries claiming that if the Railroad is to be held responsible for any damages that Smith Industries should be required to contribute towards any compensation awarded. The Railroad is also expected to name Midland County, the City of Midland and the event organizers "Show of Support" as responsible third-parties, attempting to show that it was actions of those parties rather than the Railroad that caused the collision.

Plaintiffs allege that the Railroad was the primary cause of the collision because the crossing gave a short warning time. The crossing was originally designed and approved by TXDOT for a thirty second warning time. The design plans stored in the cabinet at the crossing show a twenty-five second warning time, and the crossing lights and gates gave a twenty second warning time according to the NTSB. The Railroad contends that the twenty second warning time satisfies the Federal minimum standards, however, the Plaintiffs contend that the Federal

minimum standards require that the warning time be at least twenty seconds but not less than the designed and approved warning time.

The speed on the railroad tracks at the crossing was previously raised from 40 mph to 70 mph in 2006. The speed of the train at the time of collision was 63 mph according to the NTSB.

Of the twelve families who were on the float stuck by the train, nine have filed suit and are now represented by counsel. The law firm of Glasheen, Valles & Inderman along with Co-counsel Bob Pottroff of Manhattan, Kansas are representing seven of the families, the two in Dallas are represented by two different Dallas Attorneys. The Lubbers family have retained an attorney in Florida for claims arising out of the death of William Lubbers and are expected to file suit in Texas.

Glasheen, Valles & Inderman is based in Lubbock with offices in Odessa, El Paso and Albuquerque, and specializes in personal injury and wrongful death. Co-counsel Bob Pottroff is widely considered the nation's foremost attorney in railroad crossing accident cases.

The Railroad is represented by John Proctor of Fort Worth and Mainess Gibson of Houston, Texas.