

# Crash Victim To Get \$2.4 Million

A federal jury has awarded \$2.4 million to a Wooster man whose car was hit by a train two years ago.

William Hostetler won his lawsuit against Consolidated Rail Corp. in U.S. District Court in Cleveland on Friday. The jury awarded him \$3.6 million but held him to be 35 percent liable in the accident, reducing his damages to \$2.4 million.

The accident occurred May 12, 1993, when Hostetler was southbound on Rohrer Road and began to cross the Conrail tracks. He was hit by a southbound train, and his car was pushed 160 feet.

Hostetler's attorney, Pat Hart of Akron, said that his client spent six weeks in Akron General Medical Center and months in two rehabilitation facilities. He has "no recall of what happened and how it happened," Hart said.

Hart said that lights and gates were installed at the crossing a year after the accident. The speed limit for trains on the track is 60 mph, he said, and it is 55 mph for cars on Rohrer Road.

However, Conrail's attorney, Phil Howes of Canton, said that the Pub-

lic Utilities Commission of Ohio had ordered gates and lights installed at the intersection a year before the accident. Once the plans were drawn up, he said, the railroad "couldn't get the OK from the state agencies to do it" while the plans were under review.

Conrail was not allowed to introduce that evidence at the trial, Howes said.

Attorneys for both sides speculated that the jury found Hostetler partially negligent because he did not see the train. "It's a clear view of the oncoming train for a quarter-mile," said Howes. "I don't understand why he didn't see the train."

Hostetler, a Persian Gulf War veteran, was on his way to Wayne College when the accident occurred. "It's an exceptional family, an exceptional guy," Hart said.

When the amount sought in a civil case exceeds \$50,000 and the two parties live in different states, Hart said, one can request that the case be tried in federal court.

It is too early to know whether Conrail will appeal the verdict, Howes said.

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for head injuries and broken bones.

In his suit, handled by Akron attorney Patrick Hart with the law firm of Scanlon & Gearinger, Hostetler claimed the railroad was at fault because there were no flashing lights or gates at the crossing even though an accident there in 1991 had resulted in a fatality.

Hostetler maintained that the injuries he suffered left him with short-term memory loss and other neurological damage that made it impossible for him to continue his education or find employment.