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## Victims of Toxic Railroad Spill Get Allies in Court Case

*Members of Congress file "friend of the court" brief supporting victims' position*

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**MINNEAPOLIS, MN** - In January 2002, a Canadian Pacific Railway ("CP") derailment in Minot, North Dakota, caused the largest release of anhydrous ammonia in U.S. history. One local man died and hundreds were injured.

Earlier this year, in a court case brought on behalf of injured residents, a Federal judge in Bismarck, North Dakota ruled that when Congress passed a law called the Federal Railroad Safety Act (FRSA), it intended for injured victims of train derailments *to be barred from receiving compensation for their injuries*. The attorneys for the injured residents have appealed that decision.

In a Court filing this week, the injured residents found themselves joined by important allies - - members of Congress. In a "friend of the court" brief, the Congressional leaders stated that "Congress did not intend to deprive those injured by railroad negligence of a remedy that has been available to them since the inception of railroading itself, i.e., the right to bring common law actions for damages to recover for those injuries." Congressional members who stepped forward and joined in a "friend of the court brief" to support the plaintiffs' appeal to the Eighth Circuit were:

U.S. Senator Byron Dorgan, North Dakota  
U.S. Senator Kent Conrad, North Dakota  
U.S. Senator Mark Dayton, Minnesota  
U.S. Senator Norm Coleman, Minnesota  
U.S. Representative Earl Pomeroy, North Dakota  
U.S. Representative James Oberstar, Minnesota  
U.S. Representative Jim Ramstad, Minnesota.

While the Federal court which made the initial ruling noted the harsh impact of its decision, the members of Congress filed their brief to make it clear that Congress never intended to leave injured victims without a remedy. Members of Congress stated: "Congress did not intend the result reached by the District Court...[The presiding Federal Court Judge in the case] rightly found that his conclusion 'defies common sense and sound policy.'"

Gordon Rudd, attorney for the plaintiffs in the appeal stated, "the Court of Appeals should be persuaded when seven members of Congress advise that it was never Congress' intent to deny legal remedies to victims of train derailments. The Court should listen to the voices of these members when it considers our appeal."

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