

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

CAROLINA PENARDO in her capacity as)
Administrator of the Estate of Andrea Lynn)
Penardo, CAROLINA PENARDO, Individually,)
MICHAEL PENARDO and ELIZABETH)
PENARDO)

Plaintiffs)

v.)

NATIONAL RAILROAD PASSENGER)
CORPORATION and JOHN DOES 1 through 10)

Defendants)

C. A. No. PC-2017-

**COMPLAINT FOR
COMPENSATORY and PUNITIVE DAMAGES**

PARTIES

1. Carolina Penardo is the duly appointed and qualified Administrator of the Estate of Andrea Lynn Penardo, deceased. Certain claims in this Complaint are brought by her in her capacity as Administrator for the Estate or on behalf of Andrea Lynn Penardo's beneficiaries.

2. Carolina Penardo is a resident of West Warwick, Rhode Island. She is the mother of Andrea Lynn Penardo. Certain claims in this Complaint are brought by Carolina Penardo in her individual capacity.

3. Elizabeth Penardo is a resident of West Warwick, Rhode Island. She is the sister of Andrea Lynn Penardo.

4. Michael Penardo is a resident of West Greenwich, Rhode Island. He is the father of Andrea Lynn Penardo.

5. Andrea Lynn Penardo died on October 16, 2016 due to the wrongful conduct of the Defendants. At the time of her death, Andrea Lynn Penardo was an unemancipated minor.

6. National Railroad Passenger Corporation is a for-profit corporation organized under the laws of the District of Columbia. This Defendant has principal offices in Washington, D. C., and conducts business activities in the State of Rhode Island under the name Amtrak. National Railroad Passenger Corporation is sometimes referred to in this Complaint as “Defendant” or “Amtrak”.

7. The true names and identities of Defendants John Does 1 through 10 are currently unknown to Plaintiffs. Plaintiffs are informed and believe that these Defendants caused and/or contributed to their losses and damages as alleged in this Complaint, and are liable to Plaintiffs in a variety of manners, including without limitation: intentional, reckless, and/or negligent operation of a train, failure to enact or enforce policies, practices and procedures for the safe operation of trains, failure to enact or enforce policies, practices and procedures for the safe maintenance and signage of railroad tracks, failure to enact or enforce policies, practices and procedures for the securing of fences and gates along railroad tracks, and failure to warn of hazardous conditions known to exist in the area of the King Street railroad bridge in East Greenwich, Rhode Island.

VENUE

8. Amtrak engages in substantial, purposeful, and continuous business activity within Providence County, Rhode Island. Suit in the Superior Court for Providence and Bristol Counties is appropriate.

JURISDICTION

9. The damages sought in this case exceed the sum of \$10,000.00, exclusive of interest and costs. The Superior Court has subject matter jurisdiction.

FACTS AND ALLEGATIONS COMMON TO ALL COUNTS

10. The Town of East Greenwich, Rhode Island promotes itself as a destination for persons to visit and enjoy attractive, quaint restaurants, shops, and architecture, a Main Street shopping district, and a waterfront district. The Main Street and waterfront districts contain many older, historic buildings and structures. These areas are appealing and attractive to photographers.

11. Railroad tracks pass through East Greenwich and divide Main Street from the waterfront. These tracks are owned, operated, maintained, and secured by Amtrak. These tracks run in a general north and south direction. The tracks curve as they approach the waterfront district, run straight for a short distance within the waterfront district, and curve again as they leave that area. During the short section where the tracks run straight, they pass over the King Street bridge.

12. The King Street bridge was built in 1837. It retains the older appearance and character of a nearly two centuries old stone bridge.

13. The railroad tracks go through a densely-populated part of East Greenwich as they pass the area of the King Street bridge. Amtrak knew this in October 2016.

14. Because the tracks are between two popular East Greenwich areas, they are likely to be encountered by pedestrian visitors unfamiliar with Amtrak's train operations in that Town.

15. In October 2016, Amtrak was aware that pedestrian visitors to East Greenwich may not know that active railroad tracks run over the King Street bridge, that Amtrak's trains pass over the King Street bridge at a very high rate of speed, that Amtrak's trains run quietly in spite of their high speed, that no audible warning is given by Amtrak's trains as they approach the King Street bridge, and that due to the curves approaching the King Street bridge there is a limited and

dangerously insufficient sight distance for Amtrak's engineers operating trains and for persons on the bridge.

16. In October 2016, Amtrak knew the King Street bridge did not contain either a catwalk or handrails on either side. It is a narrow bridge, barely wide enough for the two sets of railroad tracks which pass over it.

17. In October 2016, Amtrak knew that the railroad tracks in the King Street area, and the bridge itself, were regularly and frequently visited by the public. This knowledge came from many sources, including:

- Graffiti painted on both sides of the bridge that could only have been applied from the top of the bridge, by persons dangerously close to the tracks;
- Substantial trash and litter near the railroad tracks, on the pathway leading up to the tracks, and near the base of the bridge that evidenced the public utilizing this area for partying, drinking, gathering, and similar activities;
- Amtrak employees who, prior to the death of Andrea Lynn Penardo, met with a member of the public on Amtrak's railroad tracks near King Street after that person accessed the tracks through a gap in Amtrak's fencing.

18. In addition to the factors set forth above, in October 2016 Amtrak should have been aware the public was accessing the railroad tracks in the King Street bridge area because its train engineers and maintenance crews observed persons close to the tracks and knew of gaps in the fencing.

19. In October 2016, Amtrak had further reason to be aware its railroad tracks in the King Street area were frequently accessed by the public. Amtrak should have been aware of at least the following:

- An incident in 1996 – 1997 when Michael Perry was struck and killed by a train in East Greenwich. His death was later ruled a suicide.
- An incident in 1999 – 2000 when Daniel Smith was struck and killed by a train in East Greenwich. His death was later ruled a suicide.

- An incident in about July 2014 in which the East Greenwich Police arrested a teenager for painting graffiti on the London Street railroad bridge, just south of King Street.
- An incident in about April 2015 in which the East Greenwich Police pulled a despondent man off Amtrak's railroad tracks near London Street, just ahead of an approaching train, thereby preventing his suicide attempt.
- An incident on November 6, 2015 in which a man walking along railroad tracks in East Greenwich was struck and killed by an MBTA train. MBTA shares the same railroad tracks that Amtrak uses in East Greenwich.

20. Statistics maintained by the Federal Railroad Administration show that since 2015, five people were struck and killed by trains in Rhode Island, including Andrea Lynn Penardo. Although most of Amtrak's railroad tracks lie outside of East Greenwich, 40% of all railroad fatalities in Rhode Island since 2015 occurred in East Greenwich, within a short distance of the King Street bridge.

21. The area of the King Street bridge would be considered a "hot spot" in the railroad industry. Hot spots require engineers to exercise extra care, skill, and vigilance due to frequent presence of persons on or near railroad tracks. Hot spot factors existing at the King Street area in October 2016 included unrestricted access to the tracks and bridge, lack of warnings to the public, signs of people gathering nearby, graffiti, dense population, presence of visitors unlikely to be familiar with Amtrak's railroad operations, previous railroad track fatalities, previous successful and unsuccessful suicide attempts, narrow bridge, and limited sight distance for engineers operating trains as they approach the bridge.

22. In about 2010, the United States Department of Transportation, Federal Railroad Administration, promulgated strategies designed to reduce the number of incidents of the public getting onto or near railroad tracks, like the ones Amtrak has in East Greenwich. These strategies

include fencing providing “a high degree of security”, proper signage, channelization devices directing the public to safe passage areas, and working with local law enforcement.

23. Plaintiffs are informed and believe that Amtrak never meaningfully worked with the Town of East Greenwich, or the East Greenwich Police Department, regarding railroad track safety or reducing public presence at or near tracks in the King Street bridge area.

24. Plaintiffs are informed and believe that Amtrak did not place proper signage at its tracks near King Street, nor did it attempt to channel the public away from known dangerous areas.

25. As of October 2016, Amtrak had placed fencing along almost all its railroad tracks in East Greenwich. There are gates in the fencing, including a gate in the fence on the west side of the King Street bridge, just south of the bridge.

26. Plaintiffs are informed and believe that in October 2016, every Amtrak fence gate in East Greenwich was securely closed with a chain and lock - except for one gate.

27. The one unchained and unlocked gate was in the fence at the King Street bridge, on the west side of the tracks just south of the bridge. Amtrak intentionally, deliberately, and purposefully left this gate unchained and unlocked.

28. Since the death of Andrea Lynn Penardo, Amtrak has secured this gate with a chain and lock. Amtrak now secures it in the same manner as all other fence gates in East Greenwich.

29. Plaintiffs are informed and believe that in October 2016, all of Amtrak’s fence gates in East Greenwich were in close proximity to a warning sign for the public - except for one gate.

30. The one fence gate with no nearby warning sign for the public was in the fence at the King Street bridge, on the west side of the tracks just south of the bridge. Amtrak intentionally, deliberately, and purposefully provided no warning sign for the public at this gate.

31. In October 2016, Amtrak, because of its experience operating trains through East Greenwich, was well-aware that its railroad tracks in the King Street bridge area were especially dangerous. Among the dangers were that high-speed trains approach quietly and without warning. Persons who did not know these tracks were traveled by such trains would not be aware of or appreciate this danger.

32. In October 2016, Amtrak, because of its experience operating trains through East Greenwich, was well-aware that the King Street bridge itself was especially dangerous. These dangers included:

- Trains which approach the King Street bridge from around a corner;
- Trains which approach the King Street bridge without much audibility, without giving a warning, and at a very high-rate of speed most people are unfamiliar with;
- Because trains approach from around a corner, it is difficult for persons on the King Street Bridge to quickly determine which track the train is on;
- High-speed trains cover the distance from the corner to the King Street bridge in very short time;
- The King Street bridge is narrow and does not have a catwalk or railing alongside to allow persons on the bridge to move aside so trains may pass;
- Persons on the King Street bridge likely do not have enough time to safely get off the bridge once an approaching train becomes visible.
- In the mid-afternoon during October, southbound trains coming out of the curve and heading toward the King Street bridge receive sunlight onto the front of the locomotive. This creates glare that interferes with the engineer's ability to quickly spot persons on the bridge or tracks, and to immediately respond to the situation.

33. These dangers of the King Street bridge would not be known to, apparent to, or appreciated by, persons unfamiliar with the fact that high-speed trains traveled over these tracks.

34. Despite knowing of these hidden dangers, in October 2016 Amtrak provided the public no warning or notice.

35. In October 2016, Amtrak did, however, place warning signs and give notice of these dangers to its own employees and to other railroad workers. Amtrak placed warning signs south of the fence gate at the King Street bridge. The warning sign faced to the south, away from those entering through the gate. The warning was written in railroad-industry language and would not be understood by the public. Among the warnings was that “foul time” was required to enter onto the King Street bridge. This means railroad workers were required to contact a train dispatcher to have train traffic along the tracks stopped before they could enter onto the bridge.

36. Andrea Lynn Penardo (“Andrea”) and Elizabeth Penardo (“Elizabeth”) were raised in the West Warwick area. They never lived near railroad tracks traveled by high-speed trains, had no experience with high-speed trains, and had never been passengers on a high-speed train.

37. In addition to being sisters, Andrea and Elizabeth were best friends.

38. Andrea liked to take photographs. Her camera was a cherished possession.

39. October 16, 2016 was a bright, sunny, warm day. Andrea and Elizabeth decided to drive from West Warwick to East Greenwich so Andrea could take photographs. They had been to East Greenwich before, but had never walked from Main Street to the waterfront. They did not know that high-speed trains went through East Greenwich, or that railroad tracks divided the Main Street area and waterfront district. They parked on Main Street.

40. Elizabeth (then age 17) and Andrea (barely two months past her 16th birthday) decided to walk down King Street to the waterfront district so Andrea could photograph boats. They walked along the north sidewalk of King Street.

41. They approached the impressive old stone structure of the King Street bridge, with its narrow traffic tunnels and graffiti written near the top. Elizabeth took a photo from the center

median. They wondered what was on top of the bridge. They saw a path on the south side of King Street leading up toward the top of the bridge.

42. Andrea and Elizabeth crossed to the south sidewalk and saw a well-worn path leading from the sidewalk to the top of the hill. There were indications the path was maintained, such as a cut tree. There was litter indicating people frequented this area. There were no signs or warnings of danger at the top of the path. They ascended the path, curious about what was above.

43. At the top of the path was a fence with an unlocked gate. There were no signs or warnings. On the other side of the fence were railroad tracks and a bit more litter. There was no fence on the opposite side of the tracks.

44. Andrea and Elizabeth believed these were abandoned railroad tracks passing over a very old bridge that they never imagined could be used by a modern train.

45. They passed through the unlocked, unchained, and unsigned gate and walked to the opposite side of the bridge, thinking it would offer a good vantage point to take photographs of the nearby waterfront. They sat down with their legs dangling off the east side of the King Street bridge.

46. After about a minute, Elizabeth was horrified to see a southbound train rounding the corner, bearing down on them at a very high speed. She and Andrea began to run for their lives. Elizabeth was in front and Andrea just behind.

47. Elizabeth cleared the last southbound rail just as the train passed behind her. The front of the locomotive struck Andrea at about 95.5 miles per hour. She suffered fatal injuries.

COUNT I
INTENTIONAL AND WILLFUL CONDUCT
CAUSING WRONGFUL DEATH

48. Carolina Penardo, as Administrator of the Estate of Andrea Lynn Penardo and on behalf of the beneficiaries of Andrea Lynn Penardo, re-alleges all allegations of Paragraphs 1 – 47 as if fully set forth herein.

49. On October 16, 2016 Amtrak intentionally, purposefully, and willfully maintained the gate in the fence at the King Street bridge at East Greenwich, Rhode Island so that it was unlocked, unchained, without any warning signs, and not secure for keeping the public from Amtrak's nearby railroad tracks and bridge.

50. On October 16, 2016 Amtrak intentionally, purposefully, and in willful disregard of the circumstances it knew, should have known, or was substantially certain existed at the King Street bridge, operated a train at such a high rate of speed and without warning that it knew its engineer and crew would have insufficient time to discover, warn, or sufficiently slow the train to avoid striking members of the public on or near the bridge and railroad tracks.

51. On October 16, 2016, while intentionally, purposefully, and willfully acting as alleged, Amtrak's train struck Andrea Lynn Penardo with great force and violence, directly and proximately resulting in her death.

52. As a further direct and proximate result of Amtrak's intentional, purposeful, and willful conduct, Amtrak caused Andrea Lynn Penardo to experience great fear, suffering, fright, shock, horror, and pain prior to her death.

53. As a further direct and proximate result of its intentional, purposeful, and willful conduct, Amtrak is liable to Andrea Lynn Penardo's beneficiaries for losses recoverable by them under Section 10-7-1.1 of the Rhode Island General Laws.

54. Amtrak's actions herein are sufficiently intentional, purposeful, and willful that punitive damages may be awarded.

WHEREFORE, Carolina Penardo on behalf of the Estate of Andrea Lynn Penardo and for Andrea Lynn Penardo's beneficiaries, demands Judgment against National Railroad Passenger Corporation for compensatory damages in an amount sufficient to confer jurisdiction upon the Superior Court, for punitive damages, for statutory interest from October 16, 2016, for costs of suit, and for such other and further relief as the Court deems just.

COUNT II
INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS UPON ANDREA LYNN PENARDO

55. Carolina Penardo, as Administrator of the Estate of Andrea Lynn Penardo, re-alleges all allegations of Paragraphs 1 – 47 as if fully set forth herein.

56. On October 16, 2016 Amtrak intentionally, purposefully, and willfully maintained the gate in the fence at the King Street bridge at East Greenwich, Rhode Island so that it was unlocked, unchained, without any warning signs, and not secure for keeping the public from Amtrak's nearby railroad tracks and bridge.

57. On October 16, 2016 Amtrak intentionally, purposefully, and in willful disregard of the circumstances it knew, should have known, or was substantially certain existed at the King Street bridge, operated a train at such a high rate of speed and without warning that it knew its engineer and crew would have insufficient time to discover, warn, or sufficiently slow the train to avoid striking members of the public on or near the bridge and railroad tracks.

58. On October 16, 2016, while intentionally, purposefully, and willfully acting as alleged, Amtrak drove, operated, and conducted its train toward Andrea Lynn Penardo with

knowledge or substantial certainty it would cause her extreme fear, suffering, fright, shock, horror, and emotional distress.

59. As a direct and proximate result of the foregoing, on October 16, 2016 Andrea Lynn Penardo experienced extreme fear, suffering, fright, shock, horror and emotional distress prior to her death.

60. Amtrak's actions are sufficiently intentional, purposeful, and willful that punitive damages may be awarded.

WHEREFORE, Carolina Penardo on behalf of the Estate of Andrea Lynn Penardo, demands Judgment against National Railroad Passenger Corporation for compensatory damages in an amount sufficient to confer jurisdiction upon the Superior Court, for punitive damages, for statutory interest from October 16, 2016, for costs of suit, and for such other and further relief as the Court deems just.

COUNT III
INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS UPON ELIZABETH PENARDO

61. Elizabeth Penardo re-alleges all allegations of Paragraphs 1 – 47 as if fully set forth herein.

62. On October 16, 2016 Amtrak intentionally, purposefully, and willfully maintained the gate in the fence at the King Street bridge at East Greenwich, Rhode Island so that it was unlocked, unchained, without any warning signs, and not secure for keeping the public from Amtrak's nearby railroad tracks and bridge.

63. On October 16, 2016 Amtrak intentionally, purposefully, and in willful disregard of the circumstances it knew, should have known, or was substantially certain existed at the King Street bridge, operated a train at such a high rate of speed and without warning that it knew its

engineer and crew would have insufficient time to discover, warn, or sufficiently slow the train to avoid striking members of the public on or near the bridge and railroad tracks.

64. On October 16, 2016, while intentionally, purposefully, and willfully acting as alleged, Amtrak drove, operated, and conducted its train toward Elizabeth Penardo with knowledge or substantial certainty it would cause her extreme fear, suffering, fright, shock, horror, and emotional distress.

65. As a direct and proximate result of the foregoing, on October 16, 2016 Elizabeth Penardo experienced extreme fear, suffering, fright, shock, horror, and emotional distress and continues to experience same.

66. Additionally, on October 16, 2016 Elizabeth Penardo was a percipient witness to the death of her sister, Andrea Lynn Penardo, described in Count I which is incorporated herein by reference. Elizabeth was so close that Andrea's blood splattered onto Elizabeth's clothing.

67. As a direct and proximate result of perceiving her sister's death in this manner, Elizabeth Penardo suffered and continues to suffer from great shock, horror and emotional distress.

68. Amtrak's actions are sufficiently intentional, purposeful, and willful that punitive damages may be awarded.

WHEREFORE, Elizabeth Penardo, demands Judgment against National Railroad Passenger Corporation for compensatory damages in an amount sufficient to confer jurisdiction upon the Superior Court, for punitive damages, for statutory interest from October 16, 2016, for costs of suit, and for such other and further relief as the Court deems just.

COUNT IV
NEGLIGENT CONDUCT
CAUSING WRONGFUL DEATH

69. Carolina Penardo, as Administrator of the Estate of Andrea Lynn Penardo and on behalf of the beneficiaries of Andrea Lynn Penardo, re-alleges all allegations of Paragraphs 1 – 47 as if fully set forth herein.

70. On October 16, 2016 Amtrak negligently and carelessly maintained the gate in the fence at the King Street bridge at East Greenwich, Rhode Island so that it was unlocked, unchained, without any warning signs, and not secure for keeping the public from Amtrak's nearby railroad tracks and bridge.

71. On October 16, 2016 Amtrak negligently and carelessly operated a train in East Greenwich, Rhode Island near the King Street bridge at a high rate of speed and without warning so that its engineer and crew would have insufficient time to discover, warn, or sufficiently slow the train to avoid striking members of the public on or near the bridge and railroad tracks.

72. On October 16, 2016, while in the course of such negligence and carelessness, Amtrak's train struck Andrea Lynn Penardo with great force and violence, directly and proximately resulting in her death.

73. As a further direct and proximate result of Amtrak's negligence and carelessness, Amtrak caused Andrea Lynn Penardo to experience great fear, suffering, fright, shock, horror, and pain prior to her death.

74. As a further direct and proximate result of its negligence and carelessness, Amtrak is liable to Andrea Lynn Penardo's beneficiaries for losses recoverable by them under Section 10-7-1.1 of the Rhode Island General Laws.

WHEREFORE, Carolina Penardo on behalf of the Estate of Andrea Lynn Penardo and for Andrea Lynn Penardo's beneficiaries, demands Judgment against National Railroad Passenger Corporation for compensatory damages in an amount sufficient to confer jurisdiction upon the Superior Court, for statutory interest from October 16, 2016, for costs of suit, and for such other and further relief as the Court deems just.

COUNT V
NEGLIGENT INFLECTION OF EMOTIONAL
DISTRESS UPON ANDREA LYNN PENARDO

75. Carolina Penardo, as Administrator of the Estate of Andrea Lynn Penardo, re-alleges all allegations of Paragraphs 1 – 47 as if fully set forth herein.

76. On October 16, 2016 Amtrak negligently and carelessly maintained the gate in the fence at the King Street bridge at East Greenwich, Rhode Island so that it was unlocked, unchained, without any warning signs, and not secure for keeping the public from Amtrak's nearby railroad tracks and bridge.

77. On October 16, 2016 Amtrak negligently and carelessly operated a train at East Greenwich, Rhode Island near the King Street bridge such that its engineer and crew would have insufficient time to discover, warn, or sufficiently slow the train to avoid striking members of the public on or near the bridge and railroad tracks.

78. On October 16, 2016 in the course of such negligence and carelessness, Amtrak drove, operated, and conducted its train toward Andrea Lynn Penardo and should have been aware this would cause her extreme fear, suffering, fright, shock, horror, and emotional distress.

79. As a direct and proximate result of the foregoing, on October 16, 2016 Andrea Lynn Penardo experienced extreme fear, suffering, fright, shock, horror, and emotional distress prior to her death.

WHEREFORE, Carolina Penardo on behalf of the Estate of Andrea Lynn Penardo, demands Judgment against National Railroad Passenger Corporation for compensatory damages in an amount sufficient to confer jurisdiction upon the Superior Court, for statutory interest from October 16, 2016, for costs of suit, and for such other and further relief as the Court deems just.

COUNT VI
NEGLIGENT INFLECTION OF EMOTIONAL
DISTRESS UPON ELIZABETH PENARDO

80. Elizabeth Penardo re-alleges all allegations of Paragraphs 1 – 47 as if fully set forth herein.

81. On October 16, 2016 Amtrak negligently and carelessly maintained the gate in the fence at the King Street bridge at East Greenwich, Rhode Island so that it was unlocked, unchained, without any warning signs, and not secure for keeping the public from Amtrak's nearby railroad tracks and bridge.

82. On October 16, 2016 Amtrak negligently and carelessly operated a train at East Greenwich, Rhode Island near the King Street bridge such that its engineer and crew would have insufficient time to discover, warn, or sufficiently slow the train to avoid striking members of the public on or near the bridge and railroad tracks.

83. On October 16, 2016 in the course of such negligence and carelessness, Amtrak drove, operated, and conducted its train toward Elizabeth Penardo and should have been aware this would cause her extreme fear, suffering, fright, shock, horror, and emotional distress.

84. As a direct and proximate result of the foregoing, on October 16, 2016 Elizabeth Penardo experienced extreme fear, suffering, fright, shock, horror, and emotional distress and continues to experience same.

85. Additionally, on October 16, 2016 Elizabeth Penardo was a percipient witness to the death of her sister, Andrea Lynn Penardo, described in Count IV which is incorporated herein by reference. Elizabeth was so close that Andrea's blood splattered onto Elizabeth's clothing.

86. As a direct and proximate result of perceiving her sister's death in this manner, Elizabeth Penardo suffered and continues to suffer great shock, horror, and emotional distress.

WHEREFORE, Elizabeth Penardo, demands Judgment against National Railroad Passenger Corporation for compensatory damages in an amount sufficient to confer jurisdiction upon the Superior Court, for statutory interest from October 16, 2016, for costs of suit, and for such other and further relief as the Court deems just.

COUNT VII
LOSS OF SOCIETY AND COMPANIONSHIP
BY CAROLINA PENARDO

87. Carolina Penardo re-alleges all allegations of Paragraphs 1 – 47, Count I, and Count IV, as if fully set forth herein.

88. As a direct and proximate result of Amtrak's wrongful conduct which caused the death of Andrea Lynn Penardo, Carolina Penardo has suffered and will continue to suffer the loss of her daughter's society and companionship.

WHEREFORE, Carolina Penardo, demands Judgment against National Railroad Passenger Corporation for compensatory damages in an amount sufficient to confer jurisdiction upon the Superior Court, for statutory interest from October 16, 2016, for costs of suit, and for such other and further relief as the Court deems just.

COUNT VIII
LOSS OF SOCIETY AND COMPANIONSHIP
BY MICHAEL PENARDO

89. Michael Penardo re-alleges all allegations of Paragraphs 1 – 47, Count I, and Count IV, as if fully set forth herein.

90. As a direct and proximate result of Amtrak's wrongful conduct which caused the death of Andrea Lynn Penardo, Michael Penardo has suffered and will continue to suffer the loss of his daughter's society and companionship.

WHEREFORE, Michael Penardo, demands Judgment against National Railroad Passenger Corporation for compensatory damages in an amount sufficient to confer jurisdiction upon the Superior Court, for statutory interest from October 16, 2016, for costs of suit, and for such other and further relief as the Court deems just.

Plaintiffs,
By their Attorney,

/s/ Michael J. Kiselica
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JURY TRIAL DEMAND

Plaintiffs demand a trial by jury on all Counts.

/s/ Michael J. Kiselica