

THE GREAT TRAIN HEIST

Even the thieves in the "The Great Train Robbery" never pulled off a railroad heist as skillfully as New Haven's **Cahill, Goetsch & DiPersia**.

The firm's three partners struck twice this month, first seizing a Metro-North commuter train and then hitting an Amtrak locomotive. Unlike their fictional counterparts, however, these modern-day robbers were acting under court orders.

Charles C. Goetsch and Deputy New Haven Sheriff **Robert Miller** commandeered the 3:50 p.m. train bound from New Haven to Grand Central Station on Jan. 9. They were acting on a Writ of Execution in *Edward Manes v. Metro-North Commuter Railroad*, a case in which the railroad was found liable for injuries Manes sustained when he fell from a train bridge during a repair job. A jury ordered Metro-North to pay \$1.1 million to the partially paralyzed man.

The pair began their raid at 3:20 p.m. at Metro-North's claims office in New Haven's Union Station. After several minutes of occasionally loud argument, the sheriff, Goetsch and Goetsch's partner, **George Cahill**, took off to find a train. A Metro-North police officer and claims officer **Jack McGovern**, who had a look of incredulity plastered on his face, followed.

Miller appeared determined to find a working train, saying he wanted something he could auction off for a lot of money. The group began examining trains in the yard, but maintenance workers told them those cars were broken. Miller and Goetsch then decided to take the only train in the station,

#1575, which was scheduled to leave in four minutes for New York.

When a claims officer tried to object, the police officer jumped in. He got on the radio and informed train master **Joe Kanell** that a sheriff had seized the train. "They can't do that," Kanell could be heard responding. The cop said the sheriff could—and was.

Miller began hanging signs on the train saying it was against the law for anyone to touch or move the seized property. The Metro-North police officer began ringing the train in yellow "police crime scene" tape, and train officials ordered all the passengers off the train and boarded a new train that had just arrived in the station from New York.

Goetsch then told Kanell, who had come down to the platform, that he only wanted the last three cars; Kanell could keep the rest. Kanell, standing on the platform with a look of disbelief on his face, said this was the first time anyone ever seized a Metro-North train. "It's just a shock," he said. "I thought they were kidding."

The great train seizure might have ended then if claims agent **Gene Romanik** had not appeared. He immediately confronted the sheriff and said the train was going to leave the station. If the sheriff wanted to arrest him, then so be it.

Goetsch tried to explain to Romanik that he had already seized the last three cars and gave permission for them to be moved. Romanik finally relented.

His bosses, however, did not give up the fight. Metro-North's counsel, **Patrick J. Flaherty**, called U.S. District Judge **Alan H. Nevas** that evening,



Trainmaster Joe Kanell, left, with George Cahill, center, and Charles Goetsch.

asking him to lift the writ. Cahill agreed to release the cars until both sides could argue in court on Monday. At that hearing, Nevas ruled that the writ was perfectly legal. He also blasted the railroad, saying their poor handling of these types of cases cost the taxpayers of New York and Connecticut millions of dollars.

"The railroad's position is consistently unreasonable," Nevas said in court. "Their evaluations of the cases are very, very low. Their expectations as to what they think these cases are worth are unrealistic, and this is a perfect example."

Nevas, however, did ask Goetsch to wait until 3:00 p.m. to seize the cars to give Metro-North time to pay. It ended up delivering a check to the sheriff that

afternoon.

At that point, it appeared that Cahill, Goetsch & DiPersia's train-grabbing days were over. But that was not to be the case. The very next day, Cahill seized an Amtrak locomotive. He acted after a client, a former Amtrak ticket agent who was brutally attacked in the Hartford station's parking lot, became frustrated with the railroad's failure to pay a \$1.75 million judgment. Cahill says that if Amtrak fails to pay soon, he will seize a second engine and auction them both off.

Article by Jaret Seiberg for Behind the Bar, a column appearing in the January 18, 1993 issue of THE CONNECTICUT LAW TRIBUNE.

Locomotive seized in settlement

NEW HAVEN—A former Amtrak employee who won a suit against the government-funded rail agency took the unusual step of having a deputy sheriff seize a locomotive parked on a spur in the Union Station rail yard Tuesday.

Engine 902, an electric locomotive built by General Electric and worth about \$2 million, was seized in the yard near Hallock Street. Yellow tape stretched around the engine and utility poles, warning passers-by to stay clear.

Deputy Sheriff **Robert S. Miller**, who executed the seizure, taped to several windows large notices stating that the engine had been seized in settlement of a \$1.8 million judgment for the former employee.

"We went there [Amtrak] and made a demand on them, and they didn't pay. And we decided to go and seize the train," Miller said.

Delores Schneider of Springfield,

Mass., was the plaintiff in the lawsuit. She accused the company of not providing proper security while she was working as a ticket agent during the 3 p.m. to midnight shift in Hartford's Union Station on Superbowl Sunday in January 1986.

While leaving the station, she was assaulted and beaten and was about to be raped when she broke free.

During a trial in January 1992, she won a judgment against Amtrak for \$1.8 million, her attorney **Charles Goetsch** said.

Amtrak filed a motion for a new trial, which was denied. Its appeal in the 2nd Circuit Court is pending, but Amtrak failed to post a bond to stay the judgment.

Schneider and her attorney felt that waiting seven years for her settlement was long enough and asked U.S. District Judge **Ellen Bree Burns** to hear the case Monday. Burns granted the



Amtrak Engine 902 was seized on Tuesday.

seizure of the locomotive and upheld her decision Tuesday night.

"It was time that Delores was paid for what she suffered at the hands of Amtrak," said Goetsch.

Howard Robertson, an Amtrak public affairs spokesman in Washington,

D.C., would only confirm that the seizure had taken place.

Article written by Thomas R. Violante for the January 13, 1993 edition of CONNECTICUT POST