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Hundreds of Families Sue Norfolk Southern, Federal Agencies Over ‘Toxic Nightmare’ of Ohio Train Derailment

Legal claims allege federal and state agencies did not adequately test or cleanup hazardous materials; new case does not affect pending class action

EAST PALESTINE, Ohio, Feb. 3, 2025 – Two years of adverse health effects, contaminated property and a lack of corporate and government accountability led hundreds of families affected by the 2023 East Palestine, Ohio train derailment to launch new litigation against Norfolk Southern Railroad Co. and other defendants, according to the families’ legal team at Just Well Law, PLLC, The Keenan Law Firm and Bressman Law.

New state and federal claims brought by 744 current and former residents of areas near East Palestine allege that Norfolk Southern and other corporate defendants, the federal Environmental Protection Agency (EPA) and the Centers for Disease Control (CDC), and state agencies failed the communities in Ohio and Pennsylvania affected by the Feb. 3, 2023 derailment, the “controlled” burnoff and exposure of vinyl chloride and other hazardous materials, and dubious environmental and medical testing protocols.

“Norfolk and the Defendants have attempted to evade a generation of environmental and health consequences around East Palestine – all while minimizing or denying the current and future harm of the contamination,” the lawsuit alleges. “The community is still contaminated, and people are still sick.”

Filed ahead of the two-year anniversary of the Feb. 3, 2023 derailment, the new cases are separate from pending class action litigation and are not an appeal of that case.

“The community of East Palestine and the surrounding areas have the right to expect that the railroad companies will follow industry safety standards and avoid preventable tragedies with their trains,” the lawsuit alleges. “Norfolk’s practice of putting profits over the health, safety, and welfare of the communities its trains traverse has devastated East Palestine in so many ways. So has the injustice of the legal maneuvers by Norfolk and the other Defendants in ongoing class action litigation.”

The families in the case are represented by Jedidiah I. Bressman and David A. Bressman of Bressman Law, of Dublin, Ohio, lead trial counsel Don C. Keenan and Mindy S. Bish, of The Keenan Law Firm, of Miramar Beach, Fla., and Kristina S. Baehr of Just Well Law, PLLC, of Austin, Texas.

The legal team’s ongoing investigation and the legal claims cite a pattern of incidents dating back to 2013. Norfolk Southern’s crash rate increased 81 percent between 2013 and 2022, the lawsuit notes. The class action settlement equals only 18 days of revenue for Norfolk.

Lead plaintiff Josh Hickman, of East Palestine, Ohio, said, “Norfolk Southern caused this catastrophe for our family and so many others. We demand to know what truly happened – and to understand all of the consequences for us and our community. Taxpayers and our families should not be forced to pay the real costs of this disaster and for the health and environmental consequences.”

Kristina S. Baehr, of Just Well Law, PLLC, said, “The citizens of East Palestine and the surrounding areas have the right to know the whole story. Norfolk Southern chose not to properly maintain its rail cars and allowed a train to proceed into the community with a car on fire. The defendants then failed to protect people when the rail car predictably derailed and blew up. Then they didn’t clearly warn families in the affected areas and let Norfolk Southern take the lead on the botched testing and cleanup. That was like allowing a criminal to collect DNA and fingerprints at his own crime scene. Now, the families we represent are left with troubling, unanswered questions and the consequences of this conspiracy for their health and their lives. There has been no real accountability in the last two years. Without accountability and real consequences, this will happen again. And so our clients take a stand not just for their own families, but for all of us.”

The state-court case is *Josh Hickman, et al., v. Norfolk Southern Railway Company, et al.*, Filing ID No. 11322749 (case number pending), in the Court of Common Pleas in Franklin County, Ohio. The case includes claims of civil conspiracy, negligence, nuisance, punitive damages, trespass, and wrongful death. Hundreds of the families also have filed required pre-litigation SF-95 administrative forms related to claims against the EPA and the CDC under the Federal Tort Claims Act (FTCA).

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