

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

BRIAN O'MALLEY
Plaintiff

VERSUS

**PUBLIC BELT RAILROAD
COMMISSION FOR THE CITY OF
NEW ORLEANS**
Defendant

**CIVIL ACTION NO. 17-04812
SECTION: "H"(1)**

**JUDGE: JANE TRICHE
MILAZZO**

**MAGISTRATE: JANIS VAN
MEERVELD**

DECLARATION OF ERICA BECK

My name is ERICA BECK. I am a person of full age of majority and have personal knowledge of the facts described herein.

- 1) I began working at the Public Belt Railroad Commission for the City of New Orleans ("NOPB") as Senior Vice President and General Counsel on July 7, 2014.
- 2) I created an executive summary form in July 2014.
- 3) Carla Gendusa, the Safety and Training at NOPB, starting working in 2016 and after I created the executive summary form.
- 4) The executive summary form was created and promulgated by me and was to be completed at my instruction and at my direction in the event of an incident to ensure that all facts were immediately documented in preparation for further proceedings, including potential litigation.
- 5) The executive summary was to be completed with the intent that it be circulated promptly to make sure that individuals at the executive level had notice of an incident and any information related to incidents that might lead to litigation.
- 6) The executive summary is to be completed by the department handling the investigation of the incident and sent to me as general counsel to assess legal liability.
- 7) The executive summary is also given to the safety and training manager designated to file Federal Railroad Administration ("FRA") reports to prepare any necessary FRA reports.

- 8) Finally, the executive summary is given to the Chief Operating Officer (although that position was vacant at the time of this incident) and the Chief Executive Officer to make those individuals aware of an incident.
- 9) The executive summary contains preliminary information, which may be still speculative and under investigation, to put me as general counsel on notice of a potential lawsuit and so that I can assess legal liability.
- 10) With respect to the incident at issue in the above captioned case involving Brian O'Malley on March 19, 2017, I spoke to individuals at the executive level in the safety and training department and the transportation department on the day of the incident (March 19, 2017) and legal liability and the potential for litigation was discussed in those conversations.
- 11) The executive summary document for the March 19, 2017 incident was prepared following that conversation to document a preliminary investigation in anticipation of litigation.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed on the 12th of January, 2018.



ERICA BECK