

## Aviation / Helicopter Accidents

Cotchett, Pitre & McCarthy has successfully represented victims of aviation disasters concerning major commercial airlines and aviation crashes involving both fixed wing and rotary wing aircraft. Our attorneys have the expertise in the acquisition of key evidence related to accident investigation processes and procedures of regulatory agencies, including procedures of the National Transportation Safety Board (NTSB) and Federal Aviation Administration (FAA). CPM's skilled advocacy in aviation cases has resulted in our clients' attainment of entitled compensation and improvements in safety and security standards.

If you would like to discuss your potential or pending case, please follow up with Frank Pitre and his team.

### Examples of Cases

#### ***Ethiopian Airlines Flight ET 302 (Commercial Aircraft)***

##### **Northern District of Illinois**

CPM represents families who lost loved ones when Ethiopian Airlines Flight ET 302 crashed on March 10, 2019 in Ethiopia, killing all 157 people on board. ET 302 was the second crash of Boeing's new 737 MAX 8 aircraft in less than five months when an angle of attack sensor fed erroneous data to a flight control system--the Maneuvering Characteristics Augmentation System (MCAS)--pitching the plane into an unrecoverable dive. CPM, led by Frank Pitre, is a member of the Plaintiff's Executive Committee leading the action against Boeing and the supplier of the angle of attack sensor and the designer of the MCAS. CPM alleges that Boeing was aware of the vulnerabilities of its aircraft but deliberately concealed and downplayed the danger in order to protect its bottom line.

### Key Contacts

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### **Asiana Air Crash Flight 214 (Commercial aircraft)**

#### **Northern District Court of California**

Frank Pitre of CPM was appointed as liaison counsel to represent passengers aboard Asiana Flight 214, which crash landed at San Francisco International Airport on July 6, 2013. Cases have been joined as part of a multi-district litigation coordinated before the Honorable Yvonne Gonzalez Rogers in the U.S. District Court for the Northern District of California.

### ***Fitzgerald v. Rollins, et al. (Small aircraft)***

#### **San Luis Obispo Superior Court**

CPM represented a passenger onboard a private airplane owned & operated by the defendant when it crashed in San Bernardino County, California, during landing. As a result of the crash, the plaintiff sustained severe injuries. CPM sued the defendants for alleged Negligent Operation and Control of an Airplane, and Negligent Service and Maintenance of an Airplane.

### ***Tesla Plane Crash Litigation (Small aircraft)***

#### **San Mateo County Superior Court**

CPM represented victims of a crash of the Cessna 310R aircraft that took off from the Palo Alto Municipal Airport and collided with power lines, then crashed into multiple homes, narrowly missing a day care center. All three people killed in the plane crash were Tesla engineers.

### ***Alaska Airlines MDL No. 1343 (Commercial aircraft)***

#### **Northern District Court of California**

Representing the survivors of one of the victims of crash off the coast of California of Alaska Airlines Flight 261.

### ***Singapore Airlines MDL No. 1394 (Commerical aircraft)***

#### ***Thomas v. Singapore Airlines***

#### **Central District Court of California**

Representing victims of the crash of a Singapore Airlines passenger jet in Taiwan in which 83 people were killed and dozens injured.

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## ***Montoya v. Bell Helicopter (Helicopter)***

### **Northern District Court of Texas**

This case involved pursuit of a claim for product liability in the design of the engine shroud incorporated into a Bell helicopter, which crashed in the jungle of New Guinea killing a Chevron executive. The suit was on behalf of the wife and children of the executive and against the helicopter manufacturer and the French company, which supplied the component parts.

## ***PSA Flight 1771 (Commerical aircraft)***

### **Los Angeles County Superior Court**

Representing victims of the air crash of a PSA jetliner near San Luis Obispo. The case was unique due to the focus on breaches of security by the airline and airport security, which permitted a disgruntled former airline employee to bypass security with a gun later used to kill the pilot and crew during flight.

## **News**

CPM Files Wrongful Death Lawsuit and FAA Claim on Behalf of Young American Woman Killed in Boeing 737 MAX 8 Crash in Ethiopia  
2019

CPM Battles Price Fixing in Domestic Air Travel

CPM Helps SFO Plane Crash Survivors File Lawsuit Against Asiana, Boeing  
*NBC Bay Area*, 08.09.2013

Courts Will Treat Asiana Passengers Differently  
*AP*, 07.15.2013

## **Law on International Air Disasters**

The Montreal Convention sets forth the compensation for victims of air disasters. Adopted in 1999, the Montreal Convention provides for a two-tier compensation structure for those injured or killed in an international flight. An airline is strictly liable for up to 113,100 Special Drawing Rights (SDR) of damages. That is, if it can be shown that a person suffered 113,100 SDRs of damage, the airline is strictly responsible for that amount. If however, the damages exceed 113,100 SDRs, then the airline can claim that the harm was caused by a third-party, such as the manufacturer of the airline or the air-traffic controllers.

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An SDR is set by the International Monetary Fund and is adjusted daily based on a basket of foreign currencies. On September 19, 2020, 1 SDR = US\$1.42.

As of 2019, 133 countries are either signatories or ratified the Montreal Convention, including the 101 UN member states. These include the United States, all the member states of the European Union, China, South Korea, Japan, Israel, Mexico and many others.