



FLIGHT-WATCH



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WRONGFUL DEATH CLAIMS ARISING OUT OF THE CRASH OF SENATOR WELLSTONE'S AIRCRAFT SETTLED FOR \$25 MILLION

Senator Paul Wellstone, his wife, and his daughter, together with three of his campaign staff members, were traveling in an aircraft which crashed. All of the passengers suffered fatal injuries. Wellstone and his wife were survived by two adult sons. Their daughter was survived by her husband and minor child. There were survivors for members of his campaign staff, McElvoy, Lopic, and McLaughlin. The claim was advanced that the aviation charter company was negligent in hiring, supervising, and training the flight crews. The claim was made that the pilots failed to maintain proper power and speed, resulting in the crash. The aggregate settlement was \$25 million before suit was filed. Senator Wellstone's estate will receive \$7 million. His wife's estate will receive \$3.25 million. His daughter's estate will receive \$3.75 million. The Lopic estate will receive \$3.25 million. The McElvoy estate will receive \$4.5 million. The McLaughlin estate will receive \$3.25 million. Counsel for the claimants were Michael V. Ceresi, Vincent J. Moccio, Phillip Sieff, and Roberta B. Walburn, all of Minneapolis, Minnesota.

CLAIM ALLOWED TO PROCEED FOR MINOR CHILD MOLESTED ON AIRLINE

The airline created an unaccompanied minor program. For an extra fee, a minor child would be flown from one city to another, and the airline would supervise the child. An eleven-year-old girl placed on

the airline by her mother was molested. The mother sued, claiming that the airline had a duty of *in loco parentis*. The airline moved for summary judgment, claiming it had no responsibility to prevent criminal acts of third parties. The trial court disagreed with the airline and denied the motion. The trial court noted that the airline charged an extra fee for providing air transportation to minors who were not accompanied by their parents. If the airline did not intend to provide the child with a heightened level of care, it could have insisted that a parent fly with the child or have a parent sign a release or waiver. The airline did neither. Accordingly, the trial court reasoned that a question of fact was presented to a jury as to whether the airline failed to provide the child with the protection that she should have received on a commercial carrier.

Garza v. Northwest Airlines, Inc., 305 F. Supp. 2d 777 (E. D. Mich., 2004).



Alan Armstrong is engaged in the general practice of law with an emphasis in the following areas:

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