



FLIGHT-WATCH



VOLUME 151

By: Alan Armstrong, Esq.

DECEMBER,

PILOT PRE- VAILS IN LEGAL AC- TION AGAINST ENGINE OVERHAUL FACILITY

Mr. Young was a pilot involved in the aviation business. During the course of having a helicopter overhauled, Standard Aero accomplished portions of the engine overhaul, including overhauling the turbine module and installing a compressor that had been overhauled. After this work was accomplished, Mr. Young was flying the helicopter when the engine seized. He accomplished an emergency landing, but the helicopter hit a tree and was almost totally destroyed.

Mr. Young suffered a fractured vertebra at the L-2 level requiring fusion surgery, and he also suffered lacerations to his hands. The cost of his medical expenses was \$161,000 and his future medical expenses were anticipated to be \$160,000. Because of his injuries, Mr. Young was not able to return to work for a year, and he earned ap-



Who needs reindeer, anyway?!

Photo Courtesy of www.JapaneseBomber.com

proximately \$115,000 annually. Mr. Young and his wife sued Standard Aero, alleging negligence in the overhaul and repair of the engine components, as well breach of express warranty.

When Mr. Young sued the overhaul facility, his insurance company

intervened. (It is not uncommon for insurance carriers who have paid money to insureds to seek to recover those monies on what is known as a subrogation theory).

The case was tried to a jury. The aggregate jury award was about \$2.85 million, including \$357,800 that went to Mr. Young's insurance carrier. \$227,500 was awarded to Mr. Young's business. Mr. Young's wife received an award of \$150,000 for loss of consortium.

Very qualified experts testified on both sides of the case. The experts for the plaintiff were Douglas Herlihy of Camas, Washington (accident reconstruction/systems failure); Robert Waldron of Richmond, British Columbia, Canada (metallurgy/ systems failure);



**FEDERAL
DISTRICT
COURT DE-
CLARES
THAT
WHETHER
THE AIRLINE
BREACHED
ITS DUTY TO
A PASSEN-
GER IN A
SLIP-AND-
FALL CASE
IS A QUES-
TION OF
FACT FOR A
JURY**

“I hope these people have one HUGE chimney!!!”

Photo Courtesy of www.JapaneseBomber.com

Patrick Mason of San Francisco, California (economics); Richard Hart II of Encino, California (aircraft appraisal); and David Jones of Sacramento, California (medicine).

The experts for the defendants were Gary J. Fowler of Gardena, California (metallurgy/systems failure); Ronald Smith of Rancho Mirage, California (maintenance/systems failure); Vernon Albert of Lafayette, Louisiana (piloting/flight planning); and Mike Wood of Phoenix, Arizona (engine design/systems failure).

The lawyer for the plaintiffs was Michael S. Danko of San Mateo, California. Counsel for the insurance company was Steven M. Cohen of Santa Monica, California.

Young v. Standard Aero, Inc., U.S. Dist. C.D. Cal., No. SACV 03-81 JVS (SHx), June 23, 2004.

The case arose out of Ms. Katersky boarding an American Airlines flight. She tripped on a four-inch wide channel on the jetway floor that was used to retract the jetway from the aircraft. She sued American Airlines, claiming that it was negligent and failed to use reasonable care in the maintenance of the jetway and failed to ensure that it was in a safe condition. She further claimed that American Airlines failed to warn her of the channel. American Airlines asserted that the jetway was not defective and moved for summary judgment. The Federal District Court denied American’s motion for summary judgment, noting that resolutions of cases on summary judgment involving negligence are rare. The District Court saw no reason to depart from that general principle of law and denied American’s motion for summary judgment.

Katersky v. American Airlines, 314 F. Supp. 2d 275 (S.D.N.Y. 2004).

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

**Aviation Matters, Personal Injury,
Professional Negligence (Malpractice),
Products Liability**

**Phone: (770) 451-0313 Fax: (770) 451-0317
Email: alan@alanarmstronglaw.com**

**Website Addresses: www.alanarmstronglaw.com
www.flyingtigersfilm.com**

**Please contact us at
flightwatch@alanarmstronglaw.com
with any questions, comments, or if you no longer wish to
receive Flightwatch via email.**

Copyright 2004. Alan Armstrong. All rights reserved.

