



FLIGHT-WATCH



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52.5 MILLION DOLLAR VERDICT FOR RACIAL PROFILING AND WRONGFUL IMPRISONMENT

The plaintiff was a female of Iranian extraction who was en route from Houston to Los Angeles. The plaintiff felt that she was being ignored by a flight attendant, and the flight attendant confronted her calling her a “freak.” The flight attendant then informed the pilot that a passenger aboard the aircraft was acting “erratically.” It was decided that the plaintiff needed to be removed from the aircraft. Upon making a scheduled stop, the flight attendant told the airline staff that the plaintiff reminded her of a terrorist, and she later told an investigating FBI agent that the plaintiff had grabbed her and attempted to interfere with her flight crew duties.

The plaintiff was arrested and charged with assaulting a flight crew attendant and interfering with the duties of a flight crew member. The plaintiff contended she suffered emotional distress. The charges were later dismissed after the investigating agent con-

cluded that the assertions made by the flight attendant were dishonest.

The plaintiff sued the airline for malicious prosecution and wrongful imprisonment. She contended that she was a victim of racial profiling and that she had not exhibited any threatening or unusual behavior.

The airline claimed that its actions were reasonable in light of the escalated terrorism threat in the wake of September 11th. The airline contended the plaintiff’s actions were erratic and further maintained that she had attacked the flight attendant.

The jury awarded 27.5 million dollars including 25 million dollars in exemplary damages.

Carrington v. S.W. Airlines, Texas, El Paso Co. Ct. at Law No. 5, 2004-4239, Apr. 7, 2006.

CRASH OF AIR AMBULANCE HELICOPTER IN POOR WEATHER CONDITIONS

The case involved a 27 year old decedent who had been involved in a motor vehicle accident. The decision was made to dispatch an air ambulance helicopter to the scene and airlift her for treatment to a hospital. On takeoff in fog and mist, the helicopter impacted tree tops surrounding the takeoff site and crashed. The injured young lady was killed along with three members of the air ambulance crew. The deceased young lady

was survived by her parents and four adult brothers. The survivors of the deceased young lady filed a wrongful death and also a survival action against both the company that owned and operated the air ambulance helicopter and also against the estate of the deceased pilot. In that action, it was alleged that the defendants negligently attempted a flight in poor weather conditions. It was further alleged that three other air ambulance companies had refused the assignment due to poor lighting and weather conditions at the time of the flight. It was further maintained that the injuries of the deceased young lady were not life threatening and that the air ambulance company should have waited until sunrise to safely attempt the flight.

In the legal action, the plaintiffs contended that the defendants violated the Federal Aviation Regulations and that these violations constituted negligence per se giving rise to a claim of strict liability against the air ambulance company as a common carrier.

The defendants maintained that they were not negligent, but the case settled before trial for a confidential amount.

Wallace v. Med-Trans Corp., S.C., Newberry Co. Com. Pleas, Nos. 2005-CP-23-4108, 2005-CP-23-4109, May 31, 2006.



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

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Alan piloting the Kate during the Greater Georgia Air Show—10/15/06

Photo Courtesy of Neil Estes