



FLIGHT-WATCH



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WHERE THERE WERE
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The case involved a 56 year-old pilot who was a physician who commenced an ILS approach into an airport. The aircraft crashed short of the runway, and the pilot was killed. His four children (passengers aboard the aircraft) survived with minor injuries.

The pilot's brother, on behalf of the estate of the pilot, filed an action against the United States, alleging air traffic control negligence. Also, a claim was made against a private company providing air

traffic control services at the airport in question.

The theories advanced in the lawsuit were that FAA air traffic controllers failed to warn the pilot that they were not receiving a Mode C (altitude) readout. The claim was further made that air traffic controllers (both those employed by the FAA and by the private facility of the airport) failed to monitor the flight path of the aircraft in order to ensure it was at a safe altitude during the approach. Finally, a theory was advanced that the United States was liable for failing to notify air traffic controllers and pilots of a documented history of navigational and radar problems with the instrument landing system at the airport in question.

The Defendants maintained that the pilot was responsible for the accident by virtue of flying below the glide slope. It was also argued that the pilot should have selected a different airport at which to land.

Before trial, the parties settled for \$2.5 million with one-half being paid by the United States government, and one-half being paid by the firm providing air traffic control services at the airport in question.

The case is interesting because of the experts selected in various disciplines. The plaintiff's experts included Pete Burgess, air traffic control; Robert Cauble, aviation radar and minimum safe altitude warnings; Sean Knickerbocker, piloting; Robert Rendzio, flight path reconstruction and failure of instrument landing system glide slope; and Jack Lipscomb, flight instruments. The defen-

dants' experts included Ken Orloff, flight path reconstruction and animation; Richard McFarlane, glide slope functions; Dennis Stoll, transponder functions; Don Hensley, air traffic control operations; and Lyle Shaeffer, pilot expert witness.

As a matter of interest, one week after settlement was reached, the United States issued a notice to airmen (NOTAM) taking out of service the glide slope system at the airport where the aircraft crashed.

Swanson v. U.S., et al., U.S. Dist. Ct., M.D. Fla., No. 3:04-cv-01228 (Sept. 28, 2006).

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

Photo Courtesy of Neil Estes