

GOING ABOVE AND BEYOND TO DEFEND AN AIRCRAFT MANUFACTURER IN PRECEDENT-SETTING CASES

Our Client's Challenge

A general aviation aircraft manufacturer faced litigation when two of its twin-engine airplanes of the same model, both manufactured in the late 1970s, were involved in separate fatal crashes. In both instances, a single-engine failure occurred, and lawsuits were filed in Alabama based upon precedent from a previous lawsuit in another state. In that case, the court allowed an expert claim that the aircraft manufacturer had allegedly defrauded the Federal Aviation Administration (FAA) by falsifying the single engine-climb capabilities of the aircraft in question, therefore triggering an exception to the statute of repose under the General Aviation Revitalization Act of 1994 (GARA).

With nine deaths and more than \$50 million in damages at stake between the two cases, the aircraft manufacturer turned to Lightfoot to defend the design of its airplane.

Our Approach

Lightfoot set out to prove that the aircraft's single-engine climb capability was correctly stated in flight manuals and was not to blame in the crashes. We recruited a former space shuttle commander to conduct a test flight in which flight conditions, including passenger weight distribution at the time of the crash, were simulated. We also instrumented the plane to collect important data during the course of the flight. The test conditions put the aircraft into experimental status, which required securing approval from the FAA prior to conducting the test flight.

The data told the story: The test flight achieved the advertised climb rates under single engine conditions. Since there was no proof that the manufacturer defrauded the FAA, the plaintiffs' claims were subject to GARA's statute of repose.

The Result

Had the cases gone to trial, our client would have faced more than \$50 million in exposure. After presenting our findings, however, we secured summary judgment in both cases. These rulings also had a lasting impact on our client's business moving forward. The manufacturer is now able to counter the bad precedent set in another jurisdiction with hard test data and two summary judgment rulings in the event of future litigation involving this model aircraft. Our client was thrilled with the results.