




AVIATION
Disaster Litigation
and Investigations



Our attorneys litigate diverse and complex cases for plane crash victims and their families throughout the world and injured crash survivors, as well as people who have suffered as a result of aviation security, safety, or passenger rights violations. At Motley Rice, our goal is not only to seek justice and compensation for our clients, but we also seek accountability from defendants and improvements in aviation safety and security standards. We give our clients a voice when they feel the most vulnerable.



MARY F. SCHIAVO
*Licensed in
DC, FL, MD, MO, SC*

JAMES R. BRAUCHLE
Licensed in SC

Our Approach

At Motley Rice, our goal is not only to seek improvements in aviation safety and security standards through our civil justice system but also to give our clients a voice at a time in their lives when they feel the most vulnerable and to win for them the compensation they are owed and the changes they deserve.



At Motley Rice, we work to help aviation disaster survivors and victims' families, as well as victims of passenger rights violations and other safety and security violations.

Our aviation attorneys have experience handling a wide variety of aviation cases. We recognize that survivors and family members of victims have many concerns following an aviation disaster and may face considerations of complex legal rights and actions. We approach each case with the goal of relieving our clients of as many burdens as possible.

COMPASSION, GUIDANCE AND SUPPORT

We understand the pain, confusion and questions that often follow tragic events and know that many clients feel overwhelmed by the emotional circumstances which brought them to us. While coping with the loss of a loved one or the devastation of a permanent injury, survivors and family members face numerous other obstacles such as medical expenses, loss of income and other important decisions that must be made. The option to pursue legal action can often be a last consideration.

Our attorneys recognize that the idea of bringing a lawsuit can be daunting — but it doesn't have to be. We consider it an essential part of our job to guide our clients through every step of the process, help remove fear, worry and other anxieties about the litigation process, and give them the support, information and means to take control.

At Motley Rice, it is our mission to advance the greater good — not only for our clients but also for the greater causes affecting society.

OUR APPROACH

CAUSES, NOT JUST CASES®

We commit our time, staff, capital, knowledge and perseverance to every case that we accept. Motley Rice has invested tens of millions of dollars to expose the alleged negligence of aviation companies and others whose actions we believe caused injuries or death. In addition to fighting for fair compensation for our clients, we work to find answers to the questions that are important. Our goal is also to help bring to light the issues involved in their cases, which can ultimately influence safety and security improvements that may prevent similar tragedies in the future.

BECOMING A CLIENT

Whether we're making crash site visits, home or office calls, meeting with government representatives or challenging airline, airport and manufacturing management, we strive to make the legal process as convenient, understandable and comfortable for our clients as possible.

Our attorneys and staff are familiar with what steps need to be taken in the moments, days, weeks and years after a tragic event. After being contacted, we will talk with you in depth to learn the details about the potential case. We then evaluate and decide whether we can accept it. Then we formulate a plan and strategy and get to work.

When analyzing a case, our attorneys draw upon their litigation experience and our in-house team of paralegals and other professional staff. We have developed close-working relationships with widely-respected experts whose involvement at the earliest stages of complex cases can be critical when determining the best course of action.

FIRM AWARDS AND ACCOLADES



Chambers USA

Product Liability: Plaintiffs – Nationwide,
Band 1
2022 • 2021



"Elite Trial Lawyers"

National Law Journal Firm of the Year
2021 Government Representation
2021 Mass Torts
2020 Pharmaceuticals
2020 Insurance Liability
2019 Bankruptcy Law (finalist)



"Best Law Firm"

U.S. News – Best Lawyers®
Mass tort litigation / class actions–plaintiffs
2024 • 2023 • 2022 • 2021 • 2020 • 2019 • 2018
• 2017 • 2016 • 2015 • 2014 • 2013 • 2012 • 2011
• 2010



Practice Group of the Year

Law360
2021 Securities
2021 • 2020 • 2019 • 2015 Product Liability
2018 Consumer Protection
2015 • 2013 "Most Feared Plaintiffs Firm"



The Legal 500 United States

Litigation editions
Mass tort and class action: plaintiff
representation–toxic tort
2021 • 2020 • 2019 • 2018 • 2017 • 2016
2015 • 2014 • 2013 • 2012 • 2011 • 2009
2007



Although they endorse certain lawyers, *The Legal 500 United States* and other similar organizations listed above are not Motley Rice clients. For full award methodologies and selection criteria, visit www.motleyrice.com/award-methodology

Our Experience

The Motley Rice aviation team represents:

- Passengers and their families
- Airport and airline workers
- Flight attendants
- Pilots
- People on the ground injured by incidents involving:
 - Charter planes
 - Commercial airlines
 - Helicopters
 - Military aircraft
 - Private aviation
 - Small planes
 - Balloons
 - Drones and other autonomous aircraft

MOTLEY RICE AND AVIATION LITIGATION

As one of the largest plaintiffs' firms in the United States, Motley Rice has the professional experience and financial resources to investigate, litigate and resolve aviation crash cases in the U.S. court system on behalf of clients residing virtually anywhere in the world. We also work with international co-counsel on cases outside of the U.S.

Our aviation team includes a former U.S. DOT Inspector General and a former pilot navigator, as well as other attorneys and support staff. Motley Rice also employs three jet pilots, an aviation maintenance expert, a former flight attendant and multilingual translators.

When an air tragedy occurs, we conduct our own extensive research for the litigation process as well as thoroughly analyze government investigations by the National Transportation Safety Board (NTSB), the Federal Aviation Administration (FAA) and the aviation investigative agency on location for an international crash.

*“We are thankful to have had a law firm like Motley Rice that was willing to stand by us and fight for the truth.”***

—The family of Mark Bavis, (3/13/1970 – 9/11/2001)
passenger on United 175

** This is an unpaid testimonial. Prior results do not guarantee a similar outcome.

TYPES OF POTENTIAL CLAIMS

Wrongful Death

- Economic loss (past, present and future lost income)
- Non-economic loss (pain and suffering, loss of consortium and support)
- Punitive or exemplary damages to punish the negligent
- Survival damages (fear, grief and sorrow)

Personal Injury

- Compensatory damages (property damages, medical expenses, lost earnings, other damages and future damages)
- Emotional damages
- General damages
- Loss of consortium
- Punitive or exemplary damages

Product Liability

- Breach of warranty
- Negligence
- Strict liability

Class Actions

Multinational and Cross-Border Litigation
Safety and Security Changes to Prevent Recurrence

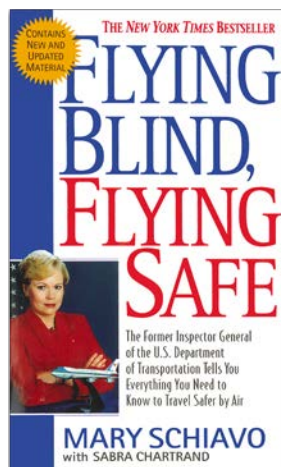


“ *Mary Schiavo was not a conventional government watchdog.*

For one thing, she barked. Most other federal internal police officers are content to audit and report quietly to their superiors about small irregularities. Ms. Schiavo preferred to make noise – especially about the FAA ...

She has been a force for safer skies.”

— *The New York Times*



MARY F. SCHIAVO

- Motley Rice attorney, licensed in DC, FL, MD, MO, SC
- Former Inspector General, U.S. Department of Transportation
- Trained pilot
- Former McConnell Aviation Chair and professor at The Ohio State University
- CNN aviation analyst, former correspondent for ABC and NBC
- Featured on CNN International, HLN, and all major U.S. networks, including such programs as:
 - 20/20
 - 60 Minutes
 - Anderson Cooper 360
 - Good Morning America
 - Larry King Live
 - Nancy Grace
 - New Day
 - Nightline
 - Oprah
 - The O'Reilly Factor
 - Today
 - Your World with Neil Cavuto
- New York Times bestselling author, *Flying Blind, Flying Safe*
- Former White House Fellow
- Former Assistant U.S. Attorney
- Former U.S. Department of Justice's Organized Crime and Racketeering Strike Force
- Former Special Assistant for Criminal Affairs for the U.S. Attorney General
- Former Assistant U.S. Secretary of Labor
- Board of Directors, American Red Cross, Palmetto Region
- Affiliate member, International Society of Air Safety Investigators
- Member of the International Air and Transportation Safety Bar
- Honors graduate of Harvard University

Industry Accountability

Motley Rice seeks to create one standard of safety for the skies by working to improve the safety and security of all flights: domestic and international, commercial and non-commercial.

Aviation safety and security is the responsibility of the entire aviation industry—the airlines, airports, aviation manufacturers, airline maintenance contractors, airline trade associations and security contractors as well as government agencies: the Federal Aviation Administration (FAA) and the Transportation Security Administration (TSA). These government agencies have not agreed on a definition of safety or uniform guidelines. Without a sanctioned definition, safety and security are only a matter of perspective.

CREATING CHANGE

The rapid growth of and demand for air travel means that aviation accidents will increase, not decrease, in the future. Passengers and crew have no choice but to rely on and trust that the aviation industry's measures are safe and secure and that they will arrive safely at their destinations.

Aviation is at a crossroads, like the dawn of the jet age, the industry is implementing computerization that is rapidly supplanting the ability of pilots to respond to problems and aviation hands-on training proficiency.

Airlines and aircraft manufacturers have reputations to uphold and liability insurance to buy; on the other hand, they are businesses looking to cut costs.

Motley Rice considers duty to public safety and security a priority far above airlines' profit margins and cost ratios. Improvements in and faster implementation of aviation safety and security measures are changes that consumers should demand and that Motley Rice is willing to speak out on and support through legal action and public advocacy.

- Air traffic control errors
- Computer and coding errors
- Defective products, parts or equipment
- Failure to check weather conditions
- Faulty aircraft design
- Inadequate maintenance
- Inadequate training
- Pilot or crew negligence or error
- Security breaches
- Other causes that the law considers preventable if the basic standards of care and flight operation are respected
- Runway incursions and overruns
- Mid-air collisions
- Hypoxia events and aircraft decompression
- Loss of control, spatial disorientation, and loss of situational awareness
- Cargo fires, fumes, imbalance and load shifting

THE FOUR PLANES OF 9/11

American Airlines 11, United Airlines 175, American Airlines 77, United Airlines 93

Following the Sept. 11, 2001, terrorist attacks, Motley Rice launched a worldwide, private discovery effort to uncover the alleged negligence of airlines, security companies and airports in connection with the attacks. Our work led our investigators and attorneys to dozens of countries, and an astonishing collection of documents were recovered showing knowledge by the carriers, airports and governments of their security shortcomings regarding terrorist threats.

For nearly a decade, our pursuit of this litigation enabled us to publicly expose evidence, gather answers for our clients and, hopefully, influence positive safety and security improvements in the aviation industry.

Some of the evidence uncovered in our investigation is now publicly accessible in the National September 11 Memorial & Museum. Mary Schiavo was the only aviation attorney called to testify before the U.S. 9/11 Commission.



FACING TOUGH OPPOSITION

When dealing with air crashes, injuries and/or deaths, plaintiffs' attorneys must litigate against some of the most well-funded defense teams in the world. Motley Rice attorneys have litigated cases against defendants that include:

Airlines and Charters

- Aeromexico
- Air France
- AirTran Airways, Inc.
- Alaska Airlines, Inc.
- American Airlines
- AMR Corporation
- Asiana Airlines Co. Ltd.
- Chalk's Ocean Airways
- Colgan Air, Inc.
- Comair, Inc.
- Continental Airlines, Inc.
- Delta Air Lines, Inc.
- EgyptAir
- Ethiopian Airlines
- JetBlue
- Jet Logistics, Inc.
- Kalitta Air, LLC
- MK Airlines
- Malaysia Airlines
- Midway Airlines, Corp.
- National Airlines, Inc.
- Northwest Airlines Corp.
- Pinnacle Airlines
- Rico Airlines
- Singapore Air
- Southwest Airlines
- Spirit Airlines
- SwissAir
- TAM Airlines
- TEM Enterprises, d/b/a Casino Express
- UAL Corporation
- United Air Lines, Inc.
- US Airways, Inc.
- US Airways Group
- West Caribbean Airways

Manufacturers

- Aerostar International, Inc.
- Agridata, Inc.
- Airborne Systems North America of NJ, Inc.
- Airbus
- BAE Systems Land & Armaments, L.P.
- Beechcraft
- The Boeing Company
- Bombardier/Canadair
- Cessna
- CHS, Inc.
- Cirrus Aircraft
- Collins Aerospace
- Continental Motors
- Eclipse Aviation Corporation
- Embraer
- General Electric Aviation
- Gulfstream
- HAECO
- Honeywell International Inc.
- Lockheed Martin
- Lycoming
- Mitsubishi Heavy Industries
- Northrup Grumman
- Parker Hannifin
- Piper
- Pratt & Whitney Canada
- Pratt & Whitney Engine Services
- Raytheon
- Robinson
- Rolls-Royce
- Sikorsky
- Skyhawk Aviation
- Teledyne
- Thales

- TIMCO
- TransDigm Group, Inc.
- United Technologies

Ports and Security Companies

- Argenbright Security, Inc.
- Burns International Security Services Corporation
- Charles de Gaulle Airport, Paris, France
- Charleston County Airport District
- Charleston County Aviation Authority
- Congonhas Airport, São Paulo, Brazil
- Globe Aviation Services
- Halifax International Airport
- Huntleigh USA Corporation
- ICTS International NV
- Massachusetts Port Authority
- Metropolitan Airports Authority
- Pinkerton's Inc.
- Port Authority of New York and New Jersey
- Securicor, PLC
- Securitas AB
- South Carolina Aeronautics Commission
- Toronto Pearson International Airport
- Washington, D.C. Airports Authority

The Federal Aviation Administration and various other state and federal governmental authorities

Our Aviation Cases

Motley Rice seeks to hold accountable those responsible in personal injury or wrongful death cases that involve aviation crashes or incidents. Cases that we have litigated or are currently litigating include the following:



<i>FLIGHT</i>	<i>DISASTER LOCATION</i>	<i>DATE OF OCCURENCE</i>
PIPER PA-28R-201	Conway, SC	Sept. 14, 2022
PARACHUTE CASE	Ft. Bragg, NC	May 25, 2022
AMERICAN FLIGHT 4817	Queens, NY	Oct. 9, 2021
PRIVATE FLIGHT CESSNA 150M	Stuart, FL	Sept. 28, 2021
ROBINSON R44 HELICOPTER	Elgin, MN	July 19, 2021
OXYGEN CANISTER EXPLOSION	Joint Base Andrews, MD	June 30, 2021
UL-60 BLACKHAWK HELICOPTER	Sinai, Egypt	Nov. 12, 2020
F-16 (FALCON FIGHTER) JET	Sumter, SC	June 20, 2020
ARION AIRCRAFT LLC, LIGHTNING LS-1	Mt. Pleasant, SC	April 9, 2020
ROBINSON R44 HELICOPTER	Audubon, IA	Mar. 31, 2020
BEECHCRAFT KING AIR 200	Abilene, TX	Feb. 20, 2020
UKRAINE FLIGHT 752	Tehran, Iran	Jan. 8, 2020
PRIVATE FLIGHT PIPER PA-28R	Atlanta, GA	Oct. 30, 2019
ALASKA MID-AIR CRASH	Soldotna, AK	July 31, 2020
ROBINSON R44 HELICOPTER	Quebec, Canada	July 10, 2019
PRIVATE FLIGHT MOONEY M20C	Cashiers, NC	Mar. 14, 2019
ETHIOPIAN AIRLINES FLIGHT 302	Bishoftu, Ethiopia	Mar. 10, 2019
ATLAS AIR FLIGHT 3591	Houston, TX	Feb. 23, 2019
LION AIR FLIGHT 610	Jakarta, Indonesia	Oct. 29, 2018
AEROMEXICO FLIGHT 2431	Durango, Mexico	July 31, 2018
PRIVATE FLIGHT CESSNA 182P	Cleveland, TN	July 26, 2018
PRIVATE FLIGHT CESSNA 421B	Rock Sound, Bahamas	June 5, 2018

OUR AVIATION CASES, CONTINUED:



FLIGHT	DISASTER LOCATION	DATE OF OCCURENCE
UNITED FLIGHT 803	Tokyo, Japan	Dec. 3, 2017
PRIVATE FLIGHT CESSNA 401B	Salters, SC	Oct. 4, 2017
MH-60M BLACKHAWK HELICOPTER	Southern Coast of Yemen	Aug. 25, 2017
UNITED EXPRESS FLIGHT 4944	Dulles, VA	Mar. 3, 2017
ST. CATHARINE'S FLYING CLUB, ONTARIO CANADA PIPER PA-28-161	Austin, PA	Oct. 15, 2016
PRIVATE FLIGHT CIRRUS SR22	Kewanee, IL	Aug. 30, 2015
MID-AIR COLLISION F-16 AND CESSNA 150C	Monck's Corner, SC	July 7, 2015
PRIVATE FLIGHT EMBRAER EMB-500/PHENOM 100	Gaithersburg, MD	Dec. 8, 2014
PRIVATE FLIGHT GULFSTREAM IV	Hanscom AFB, MA	May 31, 2014
MALAYSIA AIRLINES FLIGHT MH370	South China Sea	March 8, 2014
SPIRIT AIRLINES FLIGHT 126	Myrtle Beach, SC	Feb. 26, 2014
GENERAL AVIATION MOONEY M20R	Boyne City, MI	Jan. 6, 2014
MH-60M BLACKHAWK HELICOPTER	Savannah, GA (Hunter Airfield)	Jan. 15, 2014
SOUTHWEST AIRLINES 345	LaGuardia Airport, NY	July 22, 2013
REDISKE AIR	Soldotna, AK	July 7, 2013
ASIANA FLIGHT 214	San Francisco, CA	July 6, 2013
SOUTHWEST AIRLINES FLIGHT 1610	Cleveland, OH	April 22, 2012
JETBLUE FLIGHT 1088, tarmac delay	Hartford, CT	Oct. 29, 2011
AMERICAN AIRLINES FLIGHT 331	Kingston, Jamaica	Dec. 22, 2009
ALOUETTE FAA Actions	United States	2009
HUDSON RIVER Mid-air Collision	near Hoboken, NJ	Aug. 9, 2009

OUR AVIATION CASES, CONTINUED:



<i>FLIGHT</i>	<i>DISASTER LOCATION</i>	<i>DATE OF OCCURENCE</i>
AIR FRANCE 447	Atlantic Ocean near Brazil	June 1, 2009
BRITISH AIRWAYS 8456 Personal Injury	London, England	Feb. 13, 2009
CONTINENTAL CONNECTION/COLGAN AIR 3407	Buffalo, NY	Feb. 12, 2009
WEBSTA'S AVIATION SERVICES INC.	Puerto Rico	Dec. 2, 2008
TAM AIRLINES 3054	São Paulo, Brazil	July 17, 2007
KALITTA AIR	Bogota, Colombia	July 7, 2008
UNIVERSITY OF MICHIGAN HEALTH SYSTEM	Milwaukee, WI	June 4, 2007
DELTA/COMAIR 5191	Lexington, KY	Aug. 27, 2006
CHALK'S OCEAN AIRWAYS 101	Miami, FL	Dec. 19, 2005
AIR FRANCE 0027 Personal Injury	Charles de Gaulle Airport, France	Sept. 25, 2005
WEST CARIBBEAN AIRWAYS 708	Machiques, Venezuela	Aug. 16, 2005
AIR FRANCE 358	Toronto-Pearson Int'l Airport, Ontario	Aug. 2, 2005
KAM AIR 904	Chaperi Ghar, Afghanistan	Feb. 3, 2005
MK AIRLINES Flight 1602	Halifax, Nova Scotia	Oct. 14, 2004
NORTHWEST EXPRESS/PINNACLE AIRLINES 3701	Jefferson City, MO	Oct. 14, 2004
RICO AIRLINES 4815	Manaus, Brazil	May 14, 2004
US AIRWAYS EXPRESS/COLGAN AIR 9446	Hyannis, MA	Aug. 26, 2003
US AIRWAYS EXPRESS/AIR MIDWEST 5481	Charlotte, NC	Jan. 8, 2003
AMERICAN AIRLINES 587	Bell Harbor (Queens), NY	Nov. 12, 2001
UNITED AIRLINES 93	Shanksville, PA	Sept. 11, 2001
AMERICAN AIRLINES 77	Arlington, VA into the Pentagon	Sept. 11, 2001
UNITED AIRLINES 175	NYC into World Trade Center	Sept. 11, 2001
AMERICAN AIRLINES 11	NYC into World Trade Center	Sept. 11, 2001
MITSUBISHI HEAVY INDUSTRIES	Hilton Head, SC	Aug. 1, 2001
SINGAPORE AIRLINES SQ006	Taipei, Taiwan	Oct. 31, 2000
ALASKA AIRLINES 261	Pacific Ocean near CA	Jan. 31, 2000
EGYPT AIR 990	Atlantic Ocean near MA	Oct. 31, 1999
AMERICAN AIRLINES 1420	Little Rock, AR	June 1, 1999
PAN AM 103	Lockerbie, Scotland	Dec. 21, 1988

Attorney Mary Schiavo has investigated and/or provided on-air analysis regarding numerous aviation incidents.

- Grounding of Boeing 737 MAX 8 aircraft after the crash of Ethiopian Airlines Flight 302; March 10, 2019
- Crash of Lion Air Flight JT 610 after takeoff from Jakarta; October 29, 2018
- Mid-air explosion on New York to Dallas flight: Southwest Airlines 1380; April 17, 2018
- New York City helicopter crash: Liberty Helicopters; March 11, 2017
- Marine Corps crash in Mississippi: KC-130 transport plane; July 10, 2017
- Paris to Cairo flight crashes in Mediterranean: EgyptAir 804; May 19, 2016
- Pilot intentionally crashes plane in French Alps: Germanwings 4U 9525; Mar. 24, 2015
- Singapore-bound flight crashes into Java Sea: AirAsia QZ8501; Dec. 28, 2014
- Passenger jet shot down over Ukraine: Malaysia Airlines 17; Donetsk, Ukraine; July 17, 2014
- Emergency landing in the Hudson River: US Airways 1549; New York, NY; Jan. 15, 2009
- Crash of entertainers Travis Barker and DJ AM's Learjet: Columbia, SC; Sept. 19, 2008
- Crash of baseball star Cory Lidle's plane: New York, NY; Oct. 11, 2006
- Gol Transportes Aéreos 1907: Mato Grosso, Brazil; Sept. 29, 2006
- Southwest Airlines 1248: Chicago, IL, Dec. 8, 2005
- Air France (Concorde): Near Paris, France, July 25, 2000
- Southwest Airlines 1445: Burbank, CA, March 16, 2000
- Crash of golfer Payne Stewart's plane: South Dakota, October 25, 1999
- Crash of John F. Kennedy, Jr.'s plane: Near Martha's Vineyard, July 16, 1999
- TWA 800: Near East Moriches, NY, July 17, 1996
- ValuJet 592: Florida Everglades, May 11, 1996



Aviation Safety is a Worldwide Issue

Motley Rice is determined to hold accountable airlines, airports, maintenance companies and manufacturers around the globe when their services and equipment result in injury or death.

Our diverse team of aviation attorneys have worked with clients and/or on crashes in all 50 states, the District of Columbia and Puerto Rico, as well as in the following countries:

- | | |
|----------------------------------|----------------|
| Afghanistan | Iran |
| Argentina | Italy |
| Australia | Kenya |
| Bahamas | Japan |
| Brazil | Malaysia |
| Canada | Martinique |
| Chile | Mexico |
| China | Nigeria |
| Colombia | Panama |
| Democratic Republic of the Congo | Portugal |
| Dominican Republic | Saudi Arabia |
| Egypt | Singapore |
| El Salvador | South Africa |
| Ethiopia | Spain |
| France | Sweden |
| Germany | Switzerland |
| Ghana | Taiwan |
| Guam | United Kingdom |
| Indonesia | Venezuela |
| | Zimbabwe |



MULTINATIONAL OR CROSS-BORDER LITIGATION

Motley Rice, along with foreign co-counsel in the country of each crash, has litigated international cases involving crashes in countries such as China, Brazil, France and Canada. We believe that seeking improvements in aviation safety standards in our own country is important and that the same safety standards should be in place regardless of flight location and destination.

- We represented crash victims of Asiana Flight 214, which crashed upon landing in San Francisco in 2013.
- We litigated cases in Canada with co-counsel including one case of an Airbus A340 that attempted to land in a thunderstorm and overshoot the landing, as well as a case involving a Boeing 747 that crashed on takeoff.
- Our work on the crash of West Caribbean Airways 708, filed in Florida court, involved nearly a dozen countries and was litigated in France.
- We currently represent passengers injured on Aeromexico Flight 2431, which crashed in Durango, Mexico, on July 31, 2018
- We currently represent the families of many lost on Malaysia Airlines 370 and serve as consultants to local counsel for trial in Kuala Lumpur

TYPES OF AVIATION

MAJOR COMMERCIAL AIRLINES

- Includes both domestic and foreign flights
- Encompasses typical fare-paying, scheduled flights
- Also includes chartered flights, air taxis and private planes for hire

REGIONAL CARRIERS

- May be owned by or have a code-share agreement with a major airline
- May fly under major carriers' names, paint and logos
- Often fly small, foreign-built jets
- May pay employees and contractors substantially less than the major carriers

GENERAL AVIATION

- Also known as personal or on-demand aviation
- Includes all aviation except scheduled commercial flights and military aviation
- Ranges from small single-engine, piston-powered aircraft to long-range business jets and helicopters
- Examples include:
 - Corporate flights
 - Recreational and sport flying
 - Agricultural flights
 - Traffic surveillance and news reporting
 - Medical and emergency evacuations
 - Fire fighting
- Includes drones, or Unmanned Aerial Vehicles, as well as balloons and lighter than air vehicles, both commercial and private

What to Expect During the Legal Process

We are here to protect the interests of our clients and their loved one(s) and will invest the resources and time necessary to achieve the best possible outcome. Clients can expect several steps to take place if we represent them.

For an aviation disaster case, an attorney with experience in aviation crash law is needed. Motley Rice is happy to work with our clients' probate or estate attorneys.

Filing a lawsuit: We first file a lawsuit and then serve the person/entity our client is suing. The case enters the discovery phase if the defendant disputes the allegations, which defendants almost always do.

Discovery: We immediately begin working to gather and preserve any evidence that could be used in trial through witness interviews, document research (such as medical records), depositions, wreckage inspection and testing, computer animations and aircraft reconstruction or modeling.

Jury Trial v. Settlement: Clients will likely be offered a settlement and the court will at some point order mediation. We provide our guidance and legal opinions on the pros and cons of each course of action and handle all aspects of mediation and settlement. By law, the final decision to settle belongs to our clients.

Lawyer fees: Our attorneys work on a contingency fee basis. If a client wins or settles a case, expenses and fees are typically deducted from the recovery. In most cases, our fees are calculated as a percentage of this recovery before or after expenses are deducted. In complex multi-district or class action litigation, or in minors' cases, our fees may be subject to court review and approval.

Often, a family's probate attorney will first be consulted in the immediate aftermath of a fatal crash. Probate attorneys address issues regarding the victim's estate assets and bills. We often work together with probate attorneys in wrongful death, personal injury and product liability cases, class actions and cross-border litigation.

Attorney contact: During the first 45 days after an air disaster, attorneys licensed in the United States cannot, by law, approach survivors or victims' families as potential clients. You must initiate contact if you would like to speak to an attorney sooner.

Statute of limitation: Most statutes of limitation run between one and three years for wrongful death claims and usually average around one year for personal injury claims. To avoid permanently losing the right to bring a lawsuit, it is wise to contact an attorney as soon as possible.

International issues: Many aircraft flown by all major U.S. carriers are foreign-built, so even a U.S. citizen on a domestic flight may have an international lawsuit. Or an international passenger outside the U.S. may have a U.S. lawsuit. An aviation attorney should be equipped to handle both international and domestic issues.

For a crash occurring outside of the U.S., be aware that some U.S. laws to protect families after a crash may not apply. Each country has its own aviation laws.

Communications: It is okay, and even helpful, to lobby and plead for information and/or change from governments, but be mindful of what you say to the airline. Words said in grief to the airline have been used against families in litigation.

Restitution: It should not be expected that restitution will be paid to your family from any criminal prosecution. Most of the time, fines and restitution go to law enforcement or the U.S. Treasury. You must bring an individual legal action to recover personally. In a few countries, air crashes are handled as criminal cases.

Money that the commercial airlines give to victims' families immediately following a crash is encouraged by U.S. law. These payments are usually accompanied by a separate letter saying the airline will subtract that amount from a future settlement or verdict.



Licensed in SC

JAMES R. BRAUCHLE

- Motley Rice attorney
- Former U.S. Air Force C-141 Special Operations navigator, flight instructor and examiner
- American Association for Justice, Aviation Section Officer

Jim has played an integral role in numerous aviation cases, including:

- **ASIANA:** International flight that crashed upon landing in San Francisco
- **HUDSON RIVER CRASH:** Mid-air collision of a helicopter carrying foreign tourists and a small private plane
- **PASSENGER RIGHTS:** *Amanda Tuxworth v. Delta Air Lines, Inc.*, involving false imprisonment and malicious persecution
- **AVIATION SECURITY:** *Bavis v. United Airlines Corporation et al.*, the last airline liability case to be resolved in the 9/11 consolidated litigation
- **KALITTA:** Crash of a 747 in Colombia
- **BLACKHAWK HELICOPTER:** fatal crash of U.S. military helicopter
- **AMERICAN AIRLINES:** Flight 331 crash in Jamaica, in which plane overshot runway on landing in inclement weather
- **REDISKE AIR:** Charter plane crash in Alaska
- **GENERAL AVIATION PRODUCTS LIABILITY**

“*Each air crash has its unique set of facts and circumstances, but the common thread amongst all the families we have represented is the desire to know why this happened. And we get them answers.*”

– James R. Brauchle

The U.S. Federal Family Assistance Plan for Aviation Disasters

as prepared by the National Transportation Safety Board (NTSB)



As required by law, the NTSB's Transportation Disaster Assistance (TDA) Division coordinates the resources of federal, state and local agencies, air carriers, and the American Red Cross to meet the needs of family members and survivors.

For families of crash victims, airlines must:

- Provide notification to family members prior to releasing passenger names to the public, and offer American Red Cross crisis assistance. Other relief services are provided in other countries.
- Provide a reliable, publicized toll-free number with sufficient capacity to answer questions in the aftermath of a crash.
- Secure facilities at departure, arrival and connecting airports where family members may be gathered so that those who choose to may avoid the media and the public.
- Provide a contact person and logistical support to family members traveling to the incident site, which includes transportation, lodging, meals, security, communication and incidentals.
- Maintain daily contact with family members who do not travel to the incident site by providing them with an identified airline representative.
- Inform family members at an appropriate time that they need to obtain the dental records, dental x-rays and/or DNA samples of their loved one(s).
- Consult with family members about any airline-sponsored monument.
- Provide the same support and treatment of families of non-revenue passengers as for revenue passengers.

For the NTSB, airlines must:

- Provide accident notification to the NTSB and the passenger manifest.
- Provide the Department of State representative with the necessary information on foreign passengers.
- Make provisions for the Joint Family Support Operations Center to include space, communication and logistical support for the assisting local and federal staff, the Disaster Mortuary Operational Response Team (DMORT) and the medical examiner personnel.
- Provide the media with continuous updates on the progress of the notification process.
- Establish a joint liaison with the Red Cross at each supporting medical treatment facility to track the status of injured victims and to provide assistance to their families.
- Develop procedures for the handling of personal effects not being held as evidence. Families are entitled by law to get all of their loved ones' property back from crash sites. An airline is required to provide an accurate list of recovered property.
- Designate an individual who will be the airline's representative to the Deputy Director of FAA.
- Provide reasonable reimbursement to the Red Cross for services provided to the family.
- Coordinate with the U.S. Department of Justice in arranging meetings with family members to explain their rights under the victims of crime legislation if the crash is declared a crime.
- Participate in daily coordination meetings to review activities, resolve problem areas and synchronize future family support operations.

Mary Schiavo, 24-hour, direct line:
843.834.2445

Message and Response Line:
1.800.868.6456

Email:
aviation@motleyrice.com

Online:
www.motleyrice.com/aviation



FEDERAL CRASH ASSISTANCE AGENCIES

Federal Aviation Administration (FAA)

www.faa.gov

As an agency of the U.S. Department of Transportation, the FAA is responsible for ensuring our country's safe air travel through regulation and oversight. The FAA's roles include, but are not limited to:

- Planning and developing airports, overseeing their construction and operations and ensuring compliance with federal regulations
- Managing air traffic control towers for the safe and efficient movement of air traffic
- Inspection of aviation operations
- Issuing, suspending, or revoking certification of personnel and aircraft, including pilots, airlines, and mechanics

National Transportation Safety Board (NTSB)

www.nts.gov

After an aviation crash, the U.S. NTSB conducts an investigation to determine the probable cause and develops safety recommendations aimed at preventing future incidents.

Transportation Disaster Assistance Division (TDA)

assistance@nts.gov

A part of the NTSB, the TDA Division serves as the primary resource to family members and survivors for investigative information.

1.800.683.9369 or 202.314.6185

U.S. Office of Accident Investigation

+1 202.267.9612

International Civil Aviation Organization

www.icao.int

U.S. Transportation Security Agency

www.tsa.gov

Travel Assistance

+1 866.289.9673

U.S. Department of Transportation

www.dot.gov

American Red Cross

www.redcross.org

Disaster Mortuary Operational Response Team (DMORT)

www.dmort.org

Our Background in Complex Litigation

Motley Rice has a history of advocating for social and safety reform, using the civil justice system to provide a voice to people hurt or victimized by corporations, their business practices or their products.



*** RESULTS DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH CASE. PRIOR RESULTS DO NOT GUARANTEE OR PREDICT A SIMILAR OUTCOME.**

ASBESTOS LITIGATION

Motley Rice has represented thousands of workers and their families impacted by asbestos since the 1970s. From the beginning, our lawyers were integral to the story of how “a few trial lawyers and their asbestos-afflicted clients came out . . . to challenge giant asbestos corporations and uncover the greatest and longest business cover-up of an epidemic disease, caused by a product, in American history.”¹

TOBACCO MASTER SETTLEMENT AGREEMENT

Many Motley Rice attorneys took on the tobacco industry in the 1990s. Armed with evidence acquired from whistleblowers, individual smokers’ cases and tobacco liability class actions, the attorneys led the campaign of 26 states’ attorneys general to recoup state healthcare funds and exact marketing restrictions from cigarette manufacturers. The effort resulted in significant restrictions on cigarette marketing to children and culminated in the \$246 billion Master Settlement Agreement, the largest civil settlement in U.S. history*.

ANTI-TERRORISM AND HUMAN RIGHTS

Motley Rice attorneys brought a landmark lawsuit against the alleged private and state sponsors of al Qaeda and Osama bin Laden in an action filed on behalf of more than 6,500 family members, survivors, and those killed on 9/11. At the request of victims’ families and survivors of the 9/11 terrorist attacks, Mary Schiavo and other Motley Rice attorneys initiated another lawsuit against the airline industry for security lapses, representing 56 families that opted out of the Victim Compensation Fund in the hope of gaining fuller answers and obtaining greater accountability. The resulting settlements shattered a settlement matrix developed and utilized by aviation defense counsel for decades.*

BP OIL SPILL LITIGATION

In April 2010, the Deepwater Horizon spilled approximately 4.9 million gallons of oil into the Gulf of Mexico, killed 11 oil rig workers, devastated our nation’s natural resources and profoundly harmed the economic and emotional well-being of hundreds of thousands of people. Motley Rice co-founder **JOSEPH RICE**, a Plaintiffs Steering Committee member, served as one of the primary negotiators of the Deepwater Horizon Economic and Property Damages Settlement, the largest civil class action settlement in U.S. history.* Many other of the firm’s attorneys played central roles in the negotiation process and the development of the Medical Benefits Settlement.

¹Ralph Nader, commenting on the story told by the book *Outrageous Misconduct*.

* RESULTS DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH CASE. PRIOR RESULTS DO NOT GUARANTEE OR PREDICT A SIMILAR OUTCOME.

VOLKSWAGEN 'CLEAN DIESEL' LITIGATION

In 2015, Volkswagen Group's admission that it had programmed more than 11 million vehicles to cheat emissions tests and bypass standards sparked worldwide outrage. Motley Rice co-founder Joe Rice served as one of the lead negotiators in the nearly \$15 billion settlement deal reached in 2016 for U.S. owners and lessees of 2.0-liter TDI vehicles, the largest auto-related consumer class action settlement in U.S. history. Rice and other Motley Rice attorneys also helped recover up to \$4.4 billion with regards to affected 3.0-liter vehicles.

OPIOID LITIGATION

Motley Rice is at the forefront of national litigation involving opioid manufacturers and distributors for alleged deceptive marketing and other business practices that contributed to the opioid crisis. Firm co-founder Joe Rice is one of three co-leads for the

National Prescription Opiate Litigation coordinated in the Northern District of Ohio. Also holding leadership positions in the MDL are Motley Rice attorneys Linda Singer (DC, NY), co-chair of the Manufacturer/Marketing Committee and Lou Bograd (DC, KY), co-chair of the Law & Briefing Committee. Singer, the former Attorney General for the District of Columbia, continues to serve as lead counsel for the first jurisdictions to file complaints in the most recent wave of litigation against pharmaceutical companies regarding the opioid crisis—the City of Chicago and Santa Clara County. The firm also represents multiple state Attorneys General, local governments and other public entities in state-filed matters related to the opioid epidemic, which is reported to claim 175 American lives each day.

ATTORNEY SPOTLIGHT

JOSEPH F. RICE

- Motley Rice co-founding member attorney, licensed in DC, SC
- Listed as one of the nation's "five most feared and respected plaintiffs' lawyers in corporate America" – *Corporate Legal Times*, 2004

Joe is recognized as a skillful and innovative negotiator of complex litigation settlements, and has played a major role in many notable cases including:

- **9/11 AVIATION LIABILITY**
- **ASBESTOS**
- **TOBACCO**
- **MAJOR INTERNATIONAL SETTLEMENTS**
- **BP OIL SPILL**
- **VW EMISSIONS FRAUD**
- **OPIOID LITIGATION**





SOUTH CAROLINA

28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
843.216.9000

RHODE ISLAND

40 Westminster St., 5th Floor
Providence, RI 02903
401.457.7700

CONNECTICUT

One Corporate Center
20 Church St., 17th Floor
Hartford, CT 06103
860.882.1681

NEW YORK

777 Third Ave., 27th Floor
New York, NY 10017
212.577.0040

WEST VIRGINIA

50 Clay St.
Morgantown, WV 26501
304.413.0456

112 Capitol St., Suite 200
Charleston, WV 25301
304.344.1100

DISTRICT OF COLUMBIA

401 Ninth St., Suite 630
Washington, DC 20004
202.232.5504

NEW JERSEY

210 Lake Dr. East, Ste 101
Cherry Hill, NJ 08002
856.667.0500

PENNSYLVANIA

40 W. Evergreen Ave., Ste 104
Philadelphia, PA 19118
856.667.0500



www.motleyrice.com
1.800.768.4026

Mary F. Schiavo (DC, FL, MD, MO, SC) is the attorney responsible for this communication. Some images and scenes in this advertisement are dramatizations. Our lawyers must make a case-by-case assessment of any claims. Prior results do not guarantee a similar outcome. Motley Rice LLC, a South Carolina Limited Liability Company, is engaged in the New Jersey practice of law through Motley Rice New Jersey LLC. Esther Berezofsky attorney responsible for New Jersey practice. Our lawyers are not licensed to practice in Canada. *PD: 01.22.2024*