The Wolk Law Firm Obtains $100 Million Dollar Verdict for Aircraft Engine Failure

The Wolk Law Firm has achieved yet another milestone in air crash litigation - this time an $89 million verdict against Avco Corporation for a defective carburetor that killed three people and severely injured a fourth. Delay damages from the defendant’s incessant unsuccessful appeals will raise the total to well over $100 million.

This verdict is doubly significant because it was decided under the General Aviation Revitalization Act of 1994, a federal statute that imposes a statute of repose on lawsuits against aircraft and their component manufacturers eighteen years after the product is first sold.

This case was decided under one of the exceptions to that statute known as the “Knowing Misrepresentation” exception. That exception requires a claimant to plead and prove that a manufacturer knowingly misrepresented essential information to the FAA that relates to the safety of the product. This jury had no difficulty quickly making such a finding and then holding Lycoming Engines liable for defect, negligence and conduct justifying the imposition of punitive damages.

The compensatory damages totaled just shy of twenty-five million dollars and punitive damages of sixty-four million were then awarded in a separate jury deliberation after the defendant’s net worth of six hundred forty-five million was disclosed by stipulation. Lycoming had refused to supply any information about its net worth before the verdict but The Wolk Law Firm had a witness in readiness to confirm even a larger number had there been no stipulation.

Highlights of the trial included a dramatic description of the crash by the surviving passenger, then aged fifteen but now a man of twenty-six years of age. His mother testified how his survivor’s guilt had affected his entire emotional affect making the recovery from his twelve fractured bones incomplete.

Trial counsel Arthur Alan Wolk called Lycoming Engines former Vice-President of Engineering as-on cross examination a step which allowed the early introduction of many documents which implicated Lycoming’s knowledge of the defect in the carburetors and its failure to disclose them to the FAA.

Since many of the documents were never produced by Lycoming in discovery in spite of court orders to do so, the testimony was especially important to setting the stage for the jury’s complete disdain for the Lycoming case. Failure to disclose relevant documents in litigation regardless of court orders is Lycoming’s well known tactic, one that inevitably blows up in its face.

Lycoming’s defense was equally hardball and equally ineffective. Lycoming claimed pilot error caused the crash but blamed the crash on a well respected airline transport rated pilot. It actually asserted that the pilot took off and because his airplane was overloaded, he aerodynamically stalled and crashed inexplicably en route to a turf runway, the closest runway to the aircraft as it descended slowly to the earth. The lack of damage to the propeller and an engine tachometer that read 500 RPM at the accident persuaded the jury that Lycoming’s explanation was preposterous.

Lycoming’s experiments that showed the effect on the engine of an over rich fuel mixture of the kind that the carburetor defect causes finished any real defense to plaintiffs’ reconstruction of the accident.

The jury made no bones about their disdain for both Lycoming’s former Vice President of Engineering and their accident reconstructionist. Plaintiffs proved that a carburetor supplied by Lycoming failed as it had before by its needle valve becoming cocked in the cheap brass seat used to determine the fuel level in the carburetor bowl and flooded the carburetor. Other carburetors of the time used stainless steel seats and stainless steel components in the carburetor float that were far less prone to such accelerated wear. The accident carburetor and its engine were only 525 hours out of overhaul when they failed.

Evidence showed that bolts that hold the carburetor halves together loosened on their own even before being placed into service and the accident carburetor had fuel stains at the accident scene that confirmed that the bolts were loose in the accident carburetor as well.

Lycoming tried to imply that required bolt inspections had not been done for thirty years because they were not entered in the engine logbook. It no doubt further upset the jury when plaintiffs showed that at each 100 hour inspection such inspections were done and they would not have been put into the logbook as they were rather noted in the inspection form instead.

Plaintiffs’ experts were well regarded by the jury. Donald Sommer, reconstruction, Dr. Richard McSwain, materials science, and Arthur Lee Coffman, aircraft engines presented credible testimony that made common sense. It was they who were the first to disassemble the engine and the carburetor after the NTSB - aided by Lycoming and the airplane manufacturer Piper - was convinced of pilot error without examining these critical components.
Damages were presented by testimony from wives and children of the deceased. Their message was compelling and warmly recalled the closeness of their loved ones and the contributions made to their lives, now prematurely lost to them.

Plaintiffs’ economist, Dr. Harvey Rosen, was very conservative in his projections of lost earnings. The defense economist was unsympathetic and combative going so far as to conclude that one of the retired decedents was worth essentially nothing. No one is worth nothing. Every man, woman and child has an economic value separate from their real loss which is not measured by their paycheck. In spite of one of the decedents, a fifteen year old, having achieved a 600 in his math college boards, a phenomenal score, taking college math courses in high school and coming from an entire family of college graduates, some with advanced degrees, the defense economist concluded that it was not certain that he would attend college, ever marry or ever have children.

The jury clearly was offended by such an unfounded suggestion. This case is once again a warning to aircraft and their component manufacturers that juries will not tolerate deception, inaction and arrogance. It is yet another caution to aircraft and their component manufacturers that stonewalling discovery doesn't work in the information age and the refusal to settle cases in the face of clear evidence of liability is simply uneconomical and unethical. Fairness if nothing else justified some reasonable negotiation of settlement prior to trial. There was none!

The Wolk Law Firm tried to settle this case repeatedly but was rebuffed in the most condescending arrogant way. No doubt the defense will add more delay damages to the total by appealing once again. On this record and given the special findings by this jury, their chances of overturning this verdict are zero.

Special thanks to Bradley Stoll, Cynthia Devers, Philip Ford, Cheryl Delisle, John Gagliano, Mike Miska and the entire Wolk Law Firm staff for pulling together for ten years to see this case through to verdict. Their magnificent legal talents and the untiring efforts of everyone at The Wolk Law Firm to make certain that these families had their day in court was inspiring and brought our clients to tears more than once.

No trial is the work of one trial lawyer. It is the combined efforts of many people who believe in the process, the case and the outcome. It is an honor to be among them.

This case is another example of the dedication of The Wolk Law Firm to aviation safety and the interests of their clients because The Wolk Law Firm never rests.

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