

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**DAVID CHUKWUNONSO ALLISON,
Heir of JOY CHIEDOZIE ALLISON,
Deceased, and as Father and Natural
Guardian of NAOMI ISIOMA ALLISON,
Minor Child,
Plot 20 M.K.O. Abiola Crescent
Off Toyin Street, Ikeja, Lagos,**

PLAINTIFF,

v.

**THE BOEING COMPANY
A Delaware Corporation
100 North Riverside
Chicago, Illinois 60606-1596
Serve:
Illinois Registered Agent
Illinois Corporation Service
801 Adlai Stevenson Drive
Springfield, Illinois 62703,**

and

**MCDONNELL DOUGLAS CORPORATION
Subsidiary of The Boeing Company
100 North Riverside
Chicago, Illinois 60606-1596
Serve:
Illinois Registered Agent
Illinois Corporation Service
801 Adlai Stevenson Drive
Springfield, Illinois 62703,**

and

**PRATT & WHITNEY CANADA CORP.
1000 Marie-Victorin Boulevard
A Canadian Corporation
Longueuil, Quebec, Canada J4G 1A1**

) **CASE NO.:**
)
) **COMPLAINT IN WRONGFUL**
) **DEATH (PRODUCT LIABILITY/**
) **AIRCRAFT)**

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A Delaware Corporation)
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Hartford, Connecticut 06101)
Serve:)
Registered Agent)
The Corporation Trust Company)
Corporation Trust Center)
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Wilmington, Delaware 19801,)
))
and)
))
ESTATE OF PETER WAXTAN)
2454 Okeechobee Lane)
Fort Lauderdale, Florida 33312,)
Serve:)
ESTATE OF PETER WAXTAN)
2454 Okeechobee Lane)
Fort Lauderdale, Florida 33312,)
))
DEFENDANTS.)

COMPLAINT IN WRONGFUL DEATH
(PRODUCT LIABILITY/AIRCRAFT)

COMES NOW Plaintiff David Chukwunonso Allison, as Heir of Joy Chiedozie Allison, deceased, and as Father and Natural Guardian of Naomi Isioma Allison, minor child, for his causes of action against Defendants The Boeing Company, McDonnell Douglas Corporation, Pratt & Whitney Canada, United Technology Corporation and Estate of Peter Waxtan states and alleges as follows:

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PLAINTIFF

1. Plaintiff David Chukwunonso Allison, resides at Plot 20 M.K.O. Abiola Crescent Off Toyan Street, Ikeja, Lagos. Plaintiff and deceased were married on September 4, 2010.

2. Naomi Isioma Allison, age 1, is the natural child of the decedent Joy Chiedozie Allison and Plaintiff David Chukwunonso Allison.

DECEDENT

3. Joy Chiedozie Allison was a passenger on the subject Boeing MD-83 aircraft and died in the crash on June 3, 2012. She was the wife of Plaintiff and the natural mother of Naomi Isioma Allison.

DEFENDANT THE BOEING COMPANY

4. Defendant The Boeing Company (hereinafter referred to as “Defendant Boeing”) is a Delaware corporation with its principal place of business in Chicago, Cook County, Illinois. Service may be had on Defendant Boeing by serving its Illinois Registered Agent, Illinois Corporation Service, 801 Adlai Stevenson Drive, Springfield, Illinois 62703.

5. Defendant Boeing is engaged in the design, manufacture, testing, inspection, assembly, labeling, advertising, sale, promotion, and/or distribution of commercial jetliners and their component parts for ultimate sale and/or use in the United States and in countries such as Nigeria.

6. At all times material hereto, Defendant Boeing has sold, delivered, and/or distributed such products including the Boeing MD-83 aircraft herein referenced for ultimate sale and/or use in the United States and other countries, including Nigeria, to be used by a foreseeable class of persons, of whom Joy Chiedozie Allison was a member, consisting of those persons who may be passengers of aircraft manufactured and distributed by Defendant Boeing.

7. At all times material hereto, Defendant Boeing was acting by and through its agents, servants and/or employees, each of whom were acting within the course and scope of their employment with Defendant.

DEFENDANT MCDONNELL DOUGLAS CORPORATION

8. Defendant McDonnell Douglas Corporation (hereinafter referred to as “Defendant McDonnell Douglas”) is a wholly owned subsidiary of The Boeing Company with its principal place of business in Chicago, Cook County, Illinois. Service may be had on Defendant McDonnell Douglas by serving its Illinois Registered Agent, Illinois Corporation Service, 801 Adlai Stevenson Drive, Springfield, Illinois 62703.

9. Defendant McDonnell Douglas is engaged in the design, manufacture, testing, inspection, assembly, labeling, advertising, sale, promotion, and/or distribution of commercial jetliners and their component parts for ultimate sale and/or use in the United States and in countries such as Nigeria.

10. At all times material hereto, Defendant McDonnell Douglas has sold, delivered, and/or distributed such products including the Boeing MD-83 aircraft herein referenced for ultimate sale and/or use in the United States and other countries, including Nigeria, to be used by a foreseeable class of persons, of whom Joy Chiedozie Allison was a member, consisting of those persons who may be passengers of aircraft manufactured and distributed by Defendant McDonnell Douglas.

11. At all times material hereto, Defendant McDonnell Douglas was acting by and through its agents, servants and/or employees, each of whom were acting within the course and scope of their employment with Defendant.

12. Defendants McDonnell Douglas and Boeing merged subsequent to the date of the subject airplane crash. Defendant Boeing assumed certain liabilities of Defendant McDonnell Douglas, including the liability for any personal injury and/or wrongful death claims arising out

of the design and manufacture of McDonnell Douglas Corporation products, specifically including the subject MD-83 airplane.

DEFENDANT PRATT & WHITNEY CANADA CORPORATION

13. Defendant Pratt & Whitney Canada is engaged in the design, manufacture, testing, inspection, assembly, labeling, advertising, sale, promotion, and/or distribution of airplane engines for ultimate sale and/or use in the United States and other countries, including Nigeria.

14. At all times material hereto Defendant Pratt & Whitney Canada has sold, delivered, and/or distributed such products including the Boeing MD-83 engines herein referenced for ultimate sale and/or use in the forty-eight (48) continental states of these United States of America, and other countries including Nigeria, to be used by a foreseeable class of persons, of whom Joy Chiedozie Allison was a member, consisting of those persons who may be passengers of airplanes using Pratt & Whitney Canada engines.

15. At all times material hereto, Defendant Pratt & Whitney Canada was acting by and through its agents, servants and/or employees, each of whom were acting within the course and scope of their employment with Defendant.

DEFENDANT UNITED TECHNOLOGIES CORPORATION

16. Defendant United Technologies Corporation (hereinafter referred to as “Defendant UTC”) is the parent company of Defendant Pratt & Whitney Canada located in Longueuil, Quebec, Canada. Service may be had on Defendant UTC by serving its Missouri Registered Agent CT Corporation System, 120 So. Central Avenue, Clayton, Missouri 63105.

17. Defendant UTC is engaged in the design, manufacture, testing, inspection, assembly, labeling, advertising, sale, promotion, and/or distribution of general aviation airplane engines for ultimate sale and/or use in the United States and other countries, including Nigeria, and controls or has the right to control the relevant business activity and operations of its wholly-owned subsidiary, Pratt & Whitney Canada.

18. At all times material hereto, Defendant UTC has sold, delivered, and/or distributed such products including the Boeing MD-83 engines herein referenced for ultimate sale and/or use in the forty-eight (48) continental states of these United States of America, and other countries, including Nigeria, to be used by a foreseeable class of persons, of whom Joy Chiedozie Allison was a member, consisting of those persons who may be passengers of airplanes also using Pratt & Whitney Canada engines.

19. At all times material hereto, Defendant UTC was acting by and through its agents, servants and/or employees, each of whom were acting within the course and scope of their employment with Defendant.

DEFENDANT ESTATE OF PETER WAXTAN

20. Defendant Estate of Peter Waxtan is a Florida resident. Peter Waxtan was the Captain and pilot of the aircraft at the time of the crash.

IDENTIFICATION OF AIRCRAFT AND DEFECTIVE COMPONENTS

21. This aircrash involves a Boeing MD-83, Registration No. 5N-RAM. The aircraft was manufactured, distributed, sold, and/or leased by Defendants Boeing and McDonnell

Douglas. The aircrash engines were manufactured, distributed, sold and/or leased by Defendants Pratt & Whitney Canada and UTC.

JURISDICTION

22. This Court has jurisdiction over this action under **28 U.S.C. § 1369**.

VENUE

23. Venue is proper in this District as each Defendant is either found in this District or subject to personal jurisdiction in this District.

DATES OF ACTS AND CONDUCT COMPLAINED OF

24. On or about June 3, 2012, Joy Chiedozie Allison, the deceased, was a passenger on Dana Air Flight 0992 from Abuja to Lagos, Nigeria.

25. The pilot, Peter Waxton, declared a mayday advising that the airplane's two engines had failed.

26. At approximately 3:43 p.m., local Nigeria time, the aircraft crashed outside the airport into a two story building.

27. Joy Chiedozie Allison was fatally wounded.

28. Plaintiff's deceased, Joy Chiedozie Allison, was killed as a direct result of the foregoing crash of the Boeing MD-83 aircraft designed, manufactured, sold, distributed, maintained, service, supplied, leased, and/or certified by Defendants Boeing and McDonnell Douglas.

29. The subject aircraft's engines were designed, manufactured, sold, distributed, maintained, and serviced, supplied, leased and/or certified by Defendants Pratt & Whitney Canada and UTC.

30. The subject aircraft was piloted by Captain Peter Waxtan.

PLAINTIFF'S INJURIES AND DAMAGES

31. As a direct and proximate result of defendants' design, manufacture, sale, shipment, distribution, maintenance, service, operation, ownership, leasing, and transfer of the subject aircraft and its component parts in a dangerous and defective condition, and improperly certified, Joy Chiedozie Allison was killed. By virtue of her untimely death, Plaintiff is lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of which Plaintiff has been deprived by reason of such death, further including the past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

32. Plaintiff further claims such damages as the deceased may have suffered between the time of injury and the time of death and for the recovery of which the deceased might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, and further considering the aggravating circumstances attendant upon the fatal injury. Such aggravating circumstances include but are not limited to the wanton, willful callous, reckless and depraved conduct of defendants which entitle Plaintiff to punitive damages to punish the defendants and to deter

future wrongdoing in that the acts and omissions of defendants have manifested such reckless and complete indifference to and a conscious disregard for the safety of others that the decedent would have been entitled to punitive damages had she lived.

COUNT I

**(STRICT LIABILITY -- DEFECTIVE DESIGN AND MANUFACTURE
BY DEFENDANT THE BOEING COMPANY)**

COMES NOW Plaintiff, as heretofore set out, and for Count I of his causes of action against Defendant Boeing alleges and states as follows:

33. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 32, inclusive of this Complaint for Damages.

34. Defendant Boeing designed, manufactured, assembled, supplied, distributed, or sold the aforementioned aircraft and/or related component parts used therein in the course of its business.

35. The aforesaid aircraft and/or related component parts used therein were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses for reasons including, but not limited to, the following:

- (a) The airplane engines used a defective and unreasonably dangerous design;
- (b) The airplane engines failed causing a loss of power resulting in the airplane crash; and

- (c) For some unknown reason and common experience is such that the death resulting from the deceased's transport within the subject aircraft would not have occurred absent the existence of these defects.

36. The aforesaid aircraft and its component parts were used in a manner reasonably anticipated by this defendant.

37. Plaintiff as heretofore set forth suffered damages as a direct and proximate result of said defective conditions as existed when the aircraft was sold by this defendant resulting in the death of Joy Chiedozie Allison.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant Boeing for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT II

(STRICT LIABILITY -- SALE, SUPPLY, AND DISTRIBUTION OF DEFECTIVE AIRCRAFT BY DEFENDANT THE BOEING COMPANY)

COMES NOW Plaintiff, as heretofore set out, and for Count II of his causes of action against Defendant Boeing alleges and states as follows:

38. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 37, inclusive of this Complaint for Damages.

39. Defendant Boeing designed, manufactured, assembled, supplied, imported, distributed, or sold the aforementioned aircraft in the course of their business.

40. The subject aircraft was then in a defective condition unreasonably dangerous when put to a reasonably anticipated use.

41. The aforesaid aircraft was used in a manner reasonably anticipated by this defendant and others.

42. Plaintiff as heretofore set out were damaged as a direct result of the subject aircraft being sold in a defective condition unreasonably dangerous which resulted in the death of Joy Chiedozie Allison.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against defendant Boeing for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;

- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT III

(NEGLIGENCE -- FAILURE OF DEFENDANT BOEING TO USE ORDINARY CARE TO DESIGN AND MANUFACTURE AIRCRAFT)

COMES NOW Plaintiff, as heretofore set out, and for Count III of his causes of action against this Defendant alleges and states as follows:

43. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 42, inclusive of this Complaint for Damages.

44. Defendant Boeing designed, manufactured, assembled, supplied, distributed, or sold the aforementioned aircraft and/or related component parts used therein in the course of its business.

45. Defendant Boeing held itself out as an entity which could carefully and competently design, manufacture, select materials for, design maintenance programs for, inspect, supply, distribute, and sell aircraft.

46. Defendant Boeing had a duty to use that degree of care that an ordinarily careful and prudent designer, manufacturer, and seller of aircraft and component parts would use under the same or similar circumstances.

47. The aircraft, and related component parts designed, manufactured, and sold by Defendant Boeing were defective and otherwise flawed which caused this aircraft to crash.

48. Defendant Boeing knew or by using ordinary care should have known of the potential of such dangerous condition as was created by its failure to properly design, manufacture, and sell safe aircraft and component parts.

49. Defendant Boeing was negligent in the following respects:

- (a) The airplane engines used a defective and unreasonably dangerous design;
- (b) The airplane engines failed causing a loss of power resulting in the airplane crash; and
- (c) For some unknown reason and common experience is such that the death resulting from the deceased's transport within the subject aircraft would not have occurred absent the existence of these defects.

50. Plaintiff's deceased was killed as a direct and proximate result of the negligence and carelessness of Defendant Boeing as further set out above.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant Boeing for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT IV

**(STRICT LIABILITY - - FAILURE TO WARN BY
DEFENDANT THE BOEING COMPANY)**

COMES NOW Plaintiff, as heretofore set out, and for Count IV of his causes of action against this defendant alleges and states as follows:

51. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 50, inclusive of this Complaint for Damages.

52. The aircraft, which crashed on June 3, 2012, was then unreasonably dangerous when put to a reasonably anticipated use without knowledge of its characteristics.

53. That at all times pertinent hereto, Defendant Boeing failed to provide an adequate warning as to the danger of use of said aircraft which was then unreasonably dangerous.

54. The aircraft was used in a manner reasonably anticipated. Defendant had both an original and continuing duty to monitor the airworthiness of its aircrafts and to make such repair and maintenance modifications and recommendations and warnings as necessary to assure the reasonable safety of passengers on the aircraft.

55. This defendant breached their continuing duty in that they failed to properly and timely report known and suspected aircraft component defects and thereby breached their duty to repair, replace, recall, inform and warn operators, users, passengers and others of the known malfunctions and defects.

56. Joy Chiedozie Allison was killed as a direct result of the sale, use, operation, and service of the aircraft without an adequate warning or direction as to its monitoring, repair, replacement, servicing, hazards, and conditions.

57. By virtue of Joy Chiedozie Allison's untimely death, Plaintiff is lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of which Plaintiff has been deprived by reason of such death, further including the past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

58. Plaintiff further claims such damages as the deceased may have suffered between the time of injury and the time of death and for the recovery of which the deceased might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, and further considering the aggravating circumstances attendant upon the fatal injury. Such aggravating circumstances include but are not limited to the wanton, willful callous, reckless and depraved conduct of defendants which entitles Plaintiff to punitive damages to punish the defendants and to deter future wrongdoing in that the acts and omissions of defendants have manifested such reckless and complete indifference to and a conscious disregard for the safety of others that the decedent would have been entitled to punitive damages had she lived.

59. Plaintiff's deceased was killed as a direct and proximate result of the negligence and carelessness of Defendant Boeing as further set out above.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant Boeing for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendants from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT V

**(NEGLIGENCE - - FAILURE OF DEFENDANT THE BOEING COMPANY
TO WARN OF KNOWN HAZARD)**

COMES NOW Plaintiff, as heretofore set out, and for Count V of his causes of action against this defendant alleges and states as follows:

60. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 59, inclusive of this Complaint for Damages.

61. The aircraft and its component parts, designed, manufactured and sold by Defendant Boeing was in a defective condition and unreasonably dangerous.

62. Defendant failed to use ordinary care to adequately warn foreseeable users of the risk of harm from use of the subject aircraft and component parts in that said systems contained hazards of such magnitude so as to create massive and instantaneous failures.

63. Defendant failed to use ordinary care to adequately warn foreseeable users of the risk of harm from the defective design of the aircraft engines in that said engines would fail to and the aircraft would crash.

64. Defendant had both an original and continuing duty to monitor the airworthiness of its aircraft and component parts used in the course of its business and to make such repair and maintenance modifications and recommendations and warnings as necessary to assure the reasonable safety of persons using said aircraft.

65. Defendant failed to properly and timely report known and suspected defects, malfunctions, and failures including the precise nature and mechanism of the defect, malfunction and failure in the aircraft which is the subject of this lawsuit and thereby breached its duty to repair, replace, recall, inform and warn operators, users, passengers, and others of the known and anticipated malfunctions, problems, safety hazards and defects associated with the use and continued use of the aircraft and component parts.

66. Defendant failed to report, warn, instruct, recall, replace, repair, inspect, test, investigate and monitor the safety and related hazards of the subject aircraft and component parts wherein it had an initial and continuing duty and obligation to do so.

67. Defendant issued improper and tardy service bulletins in regard to the aircraft.

68. Defendant Boeing should have issued or requested issuance of proper Airworthiness Directives.

69. Joy Chiedozie Allison was killed as a direct result of the sale, use, operation, and service of the aircraft without an adequate warning or direction as to its monitoring, repair, replacement, servicing, hazards, and conditions.

70. By virtue of Joy Chiedozie Allison's untimely death, Plaintiff is lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, funeral expenses, and the

reasonable value of the services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of which Plaintiff has been deprived by reason of such death, further including the past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

71. Plaintiff further claims such damages as the deceased may have suffered between the time of injury and the time of death and for the recovery of which the deceased might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, and further considering the aggravating circumstances attendant upon the fatal injury. Such aggravating circumstances include but are not limited to the wanton, willful callous, reckless and depraved conduct of defendants which entitles Plaintiff to punitive damages to punish the defendants and to deter future wrongdoing in that the acts and omissions of defendants have manifested such reckless and complete indifference to and a conscious disregard for the safety of others that the decedent would have been entitled to punitive damages had she lived.

72. Plaintiff's deceased was killed as a direct and proximate result of the negligence and carelessness of Defendant Boeing as further set out above.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant Boeing for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;

- (B) For punitive damages in such sums as will serve to punish and deter defendants from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT VI

**(STRICT LIABILITY -- DEFECTIVE DESIGN AND MANUFACTURE
BY DEFENDANT MCDONNELL DOUGLAS CORPORATION)**

COMES NOW Plaintiff, as heretofore set out, and for Count VI of his causes of action against Defendant McDonnell Douglas alleges and states as follows:

73. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 72, inclusive of this Complaint for Damages.

74. Defendant McDonnell Douglas designed, manufactured, assembled, supplied, distributed, or sold the aforementioned aircraft and/or related component parts used therein in the course of its business.

75. The aforesaid aircraft and/or related component parts used therein were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses for reasons including, but not limited to, the following:

- (a) The airplane engines used a defective and unreasonably dangerous design;
- (b) The airplane engines failed causing a loss of power resulting in the airplane crash; and

- (c) For some unknown reason and common experience is such that the death resulting from the deceased's transport within the subject aircraft would not have occurred absent the existence of these defects.

76. The aforesaid aircraft and its component parts were used in a manner reasonably anticipated by this defendant.

77. Plaintiff as heretofore set forth suffered damages as a direct and proximate result of said defective conditions as existed when the aircraft was sold by this defendant resulting in the death of Joy Chiedozie Allison.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant McDonnell Douglas for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT VII

(STRICT LIABILITY -- SALE, SUPPLY, AND DISTRIBUTION OF DEFECTIVE AIRCRAFT BY DEFENDANT MCDONNELL DOUGLAS CORPORATION)

COMES NOW Plaintiff, as heretofore set out, and for Count VII of his causes of action against Defendant McDonnell Douglas alleges and states as follows:

78. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 77, inclusive of this Complaint for Damages.

79. Defendant McDonnell Douglas designed, manufactured, assembled, supplied, imported, distributed, or sold the aforementioned aircraft in the course of their business.

80. The subject aircraft was then in a defective condition unreasonably dangerous when put to a reasonably anticipated use.

81. The aforesaid aircraft was used in a manner reasonably anticipated by this defendant and others.

82. Plaintiff as heretofore set out were damaged as a direct result of the subject aircraft being sold in a defective condition unreasonably dangerous which resulted in the death of Joy Chiedozie Allison.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against defendant McDonnell Douglas for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;

- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT VIII

(NEGLIGENCE -- FAILURE OF DEFENDANT MCDONNELL DOUGLAS CORPORATION TO USE ORDINARY CARE TO DESIGN AND MANUFACTURE AIRCRAFT)

COMES NOW Plaintiff, as heretofore set out, and for Count VIII of his causes of action against this Defendant alleges and states as follows:

83. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 82, inclusive of this Complaint for Damages.

84. Defendant McDonnell Douglas designed, manufactured, assembled, supplied, distributed, or sold the aforementioned aircraft and/or related component parts used therein in the course of its business.

85. Defendant McDonnell Douglas held itself out as an entity which could carefully and competently design, manufacture, select materials for, design maintenance programs for, inspect, supply, distribute, and sell aircraft.

86. Defendant McDonnell Douglas had a duty to use that degree of care that an ordinarily careful and prudent designer, manufacturer, and seller of aircraft and component parts would use under the same or similar circumstances.

87. The aircraft, and related component parts designed, manufactured, and sold by Defendant McDonnell Douglas were defective and otherwise flawed which caused this aircraft to crash.

88. Defendant McDonnell Douglas knew or by using ordinary care should have known of the potential of such dangerous condition as was created by its failure to properly design, manufacture, and sell safe aircraft and component parts.

89. Defendant McDonnell Douglas was negligent in the following respects:

- (a) The airplane engines used a defective and unreasonably dangerous design;
- (b) The airplane engines failed causing a loss of power resulting in the airplane crash; and
- (c) For some unknown reason and common experience is such that the death resulting from the deceased's transport within the subject aircraft would not have occurred absent the existence of these defects.

90. Plaintiff's deceased was killed as a direct and proximate result of the negligence and carelessness of defendant McDonnell Douglas as further set out above.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant McDonnell Douglas for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT IX

**(STRICT LIABILITY - - FAILURE TO WARN BY
DEFENDANT MCDONNELL DOUGLAS CORPORATION)**

COMES NOW Plaintiff, as heretofore set out, and for Count IX of his causes of action against this defendant alleges and states as follows:

91. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 90, inclusive of this Complaint for Damages.

92. The aircraft, which crashed on June 3, 2012, was then unreasonably dangerous when put to a reasonably anticipated use without knowledge of its characteristics.

93. That at all times pertinent hereto, Defendant McDonnell Douglas failed to provide an adequate warning as to the danger of use of said aircraft which was then unreasonably dangerous.

94. The aircraft was used in a manner reasonably anticipated. Defendant had both an original and continuing duty to monitor the airworthiness of its aircrafts and to make such repair and maintenance modifications and recommendations and warnings as necessary to assure the reasonable safety of passengers on the aircraft.

95. This defendant breached their continuing duty in that they failed to properly and timely report known and suspected aircraft component defects and thereby breached their duty to repair, replace, recall, inform and warn operators, users, passengers and others of the known malfunctions and defects.

96. Joy Chiedozie Allison was killed as a direct result of the sale, use, operation, and service of the aircraft without an adequate warning or direction as to its monitoring, repair, replacement, servicing, hazards, and conditions.

97. By virtue of Joy Chiedozie Allison's untimely death, Plaintiff is lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of which Plaintiff has been deprived by reason of such death, further including the past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

98. Plaintiff further claims such damages as the deceased may have suffered between the time of injury and the time of death and for the recovery of which the deceased might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, and further considering the aggravating circumstances attendant upon the fatal injury. Such aggravating circumstances include but are not limited to the wanton, willful callous, reckless and depraved conduct of defendants which entitles Plaintiff to punitive damages to punish the defendants and to deter future wrongdoing in that the acts and omissions of defendants have manifested such reckless and complete indifference to and a conscious disregard for the safety of others that the decedent would have been entitled to punitive damages had she lived.

99. Plaintiff's deceased was killed as a direct and proximate result of the negligence and carelessness of Defendant McDonnell Douglas as further set out above.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant McDonnell Douglas for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendants from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT X

(NEGLIGENCE - - FAILURE OF DEFENDANT MCDONNELL DOUGLAS CORPORATION TO WARN OF KNOWN HAZARD)

COMES NOW Plaintiff, as heretofore set out, and for Count X of his causes of action against this defendant alleges and states as follows:

100. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 99, inclusive of this Complaint for Damages.

101. The aircraft and its component parts, designed, manufactured and sold by Defendant McDonnell Douglas was in a defective condition and unreasonably dangerous.

102. Defendant failed to use ordinary care to adequately warn foreseeable users of the risk of harm from use of the subject aircraft and component parts in that said systems contained hazards of such magnitude so as to create massive and instantaneous failures.

103. Defendant failed to use ordinary care to adequately warn foreseeable users of the risk of harm from the defective design of the aircraft engines in that said engines would fail to and the aircraft would crash.

104. Defendant had both an original and continuing duty to monitor the airworthiness of its aircraft and component parts used in the course of its business and to make such repair and maintenance modifications and recommendations and warnings as necessary to assure the reasonable safety of persons using said aircraft.

105. Defendant failed to properly and timely report known and suspected defects, malfunctions, and failures including the precise nature and mechanism of the defect, malfunction and failure in the aircraft which is the subject of this lawsuit and thereby breached its duty to repair, replace, recall, inform and warn operators, users, passengers, and others of the known and anticipated malfunctions, problems, safety hazards and defects associated with the use and continued use of the aircraft and component parts.

106. Defendant failed to report, warn, instruct, recall, replace, repair, inspect, test, investigate and monitor the safety and related hazards of the subject aircraft and component parts wherein it had an initial and continuing duty and obligation to do so.

107. Defendant issued improper and tardy service bulletins in regard to the aircraft.

108. Defendant McDonnell Douglas should have issued or requested issuance of proper Airworthiness Directives.

109. Joy Chiedozie Allison was killed as a direct result of the sale, use, operation, and service of the aircraft without an adequate warning or direction as to its monitoring, repair, replacement, servicing, hazards, and conditions.

110. By virtue of Joy Chiedozie Allison's untimely death, Plaintiff is lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of which Plaintiff has been deprived by reason of such death, further including the past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

111. Plaintiff further claims such damages as the deceased may have suffered between the time of injury and the time of death and for the recovery of which the deceased might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, and further considering the aggravating circumstances attendant upon the fatal injury. Such aggravating circumstances include but are not limited to the wanton, willful callous, reckless and depraved conduct of defendants which entitles Plaintiff to punitive damages to punish the defendants and to deter future wrongdoing in that the acts and omissions of defendants have manifested such reckless and complete indifference to and a conscious disregard for the safety of others that the decedent would have been entitled to punitive damages had she lived.

112. Plaintiff's deceased was killed as a direct and proximate result of the negligence and carelessness of defendant McDonnell Douglas as further set out above.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant McDonnell Douglas for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendants from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XI

**(STRICT LIABILITY -- DEFECTIVE DESIGN AND MANUFACTURE
BY DEFENDANT PRATT & WHITNEY CANADA)**

COMES NOW Plaintiff, as heretofore set out, and for Count XI of his causes of action against Defendant Pratt & Whitney Canada alleges and states as follows:

113. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 112, inclusive of this Complaint for Damages.

114. Defendant Pratt & Whitney Canada designed, manufactured, assembled, supplied, distributed, or sold the aforementioned aircraft engines and/or related component parts used therein in the course of its business.

115. The aforesaid aircraft engines and/or related component parts used therein were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses for reasons including, but not limited to, the following:

- (a) The airplane engines used a defective and unreasonably dangerous design;

- (b) The airplane engines failed causing a loss of power resulting in the airplane crash; and
- (c) For some unknown reason and common experience is such that the death resulting from the deceased's transport within the subject aircraft would not have occurred absent the existence of these defects.

116. The aforesaid aircraft engines and its component parts were used in a manner reasonably anticipated by this defendant.

117. Plaintiff as heretofore set forth suffered damages as a direct and proximate result of said defective conditions as existed when the aircraft engines were sold by this defendant resulting in the death of Joy Chiedozie Allison.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant Pratt & Whitney Canada for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XII

**(STRICT LIABILITY -- SALE, SUPPLY, AND DISTRIBUTION OF DEFECTIVE
AIRCRAFT ENGINES BY DEFENDANT PRATT & WHITNEY CANADA)**

COMES NOW Plaintiff, as heretofore set out, and for Count XII of his causes of action against Defendant Pratt & Whitney Canada alleges and states as follows:

118. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 117, inclusive of this Complaint for Damages.

119. Defendant Pratt & Whitney Canada designed, manufactured, assembled, supplied, imported, distributed, or sold the aforementioned aircraft engines in the course of their business.

120. The subject aircraft engines were then in a defective condition unreasonably dangerous when put to a reasonably anticipated use.

121. The aforesaid aircraft engines were used in a manner reasonably anticipated by this defendant and others.

122. Plaintiff as heretofore set out were damaged as a direct result of the subject aircraft engines being sold in a defective condition unreasonably dangerous which resulted in the death of Joy Chiedozie Allison.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant Pratt & Whitney Canada for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;

- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XIII

(NEGLIGENCE -- FAILURE OF DEFENDANT PRATT & WHITNEY CANADA TO USE ORDINARY CARE TO DESIGN AND MANUFACTURE AIRCRAFT ENGINES)

COMES NOW Plaintiff, as heretofore set out, and for Count XIII of his causes of action against this Defendant alleges and states as follows:

123. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 122, inclusive of this Complaint for Damages.

124. Defendant Pratt & Whitney Canada designed, manufactured, assembled, supplied, distributed, or sold the aforementioned aircraft engines and/or related component parts used therein in the course of its business.

125. Defendant Pratt & Whitney Canada held itself out as an entity which could carefully and competently design, manufacture, select materials for, design maintenance programs for, inspect, supply, distribute, and sell aircraft engines and/or related component parts.

126. Defendant Pratt & Whitney Canada had a duty to use that degree of care that an ordinarily careful and prudent designer, manufacturer, and seller of aircraft engines and/or component parts would use under the same or similar circumstances.

127. The aircraft engines, and/or related component parts designed, manufactured, and sold by Defendant Pratt & Whitney Canada were defective and otherwise flawed which caused this aircraft to crash.

128. Defendant Pratt & Whitney Canada knew or by using ordinary care should have known of the potential of such dangerous condition as was created by its failure to properly design, manufacture, and sell safe aircraft engines and/or and component parts.

129. Defendant Pratt & Whitney Canada was negligent in the following respects:

- (a) The airplane engines used a defective and unreasonably dangerous design;
- (b) The airplane engines failed causing a loss of power resulting in the airplane crash; and
- (c) For some unknown reason and common experience is such that the death resulting from the deceased's transport within the subject aircraft would not have occurred absent the existence of these defects.

130. Plaintiff's deceased was killed as a direct and proximate result of the negligence and carelessness of Defendant Pratt & Whitney Canada as further set out above.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant Pratt & Whitney Canada for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;

- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XIV

**(STRICT LIABILITY - - FAILURE TO WARN BY
DEFENDANT PRATT & WHITNEY CANADA)**

COMES NOW Plaintiff, as heretofore set out, and for Count XIV of his causes of action against this defendant alleges and states as follows:

131. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 130, inclusive of this Complaint for Damages.

132. The aircraft, which crashed on June 3, 2012, was then unreasonably dangerous when put to a reasonably anticipated use without knowledge of its characteristics.

133. That at all times pertinent hereto, Defendant Pratt & Whitney Canada failed to provide an adequate warning as to the danger of use of said aircraft engines which were then unreasonably dangerous.

134. The aircraft engines were used in a manner reasonably anticipated. Defendant had both an original and continuing duty to monitor the airworthiness of its aircraft engines and to make such repair and maintenance modifications and recommendations and warnings as necessary to assure the reasonable safety of passengers on the aircraft.

135. This defendant breached their continuing duty in that they failed to properly and timely report known and suspected aircraft engine component defects and thereby breached their duty to repair, replace, recall, inform and warn operators, users, passengers and others of the known malfunctions and defects.

136. Joy Chiedozie Allison was killed as a direct result of the sale, use, operation, and service of the aircraft engines without an adequate warning or direction as to its monitoring, repair, replacement, servicing, hazards, and conditions.

137. By virtue of Joy Chiedozie Allison's untimely death, Plaintiff is lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of which Plaintiff has been deprived by reason of such death, further including the past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

138. Plaintiff further claims such damages as the deceased may have suffered between the time of injury and the time of death and for the recovery of which the deceased might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, and further considering the aggravating circumstances attendant upon the fatal injury. Such aggravating circumstances include but are not limited to the wanton, willful callous, reckless and depraved conduct of defendants which entitles Plaintiff to punitive damages to punish the defendants and to deter future wrongdoing in that the acts and omissions of defendants have manifested such reckless and complete indifference to and a conscious disregard for the safety of others that the decedent would have been entitled to punitive damages had she lived.

139. Plaintiff's deceased was killed as a direct and proximate result of the negligence and carelessness of Defendant Pratt & Whitney Canada as further set out above.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant Pratt & Whitney Canada for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendants from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XV

**(NEGLIGENCE - - FAILURE OF DEFENDANT PRATT & WHITNEY CANADA
TO WARN OF KNOWN HAZARD)**

COMES NOW Plaintiff, as heretofore set out, and for Count XV of his causes of action against this defendant alleges and states as follows:

140. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 139, inclusive of this Complaint for Damages.

141. The aircraft engines and its component parts, designed, manufactured and sold by Defendant Pratt & Whitney Canada were in a defective condition and unreasonably dangerous.

142. Defendant failed to use ordinary care to adequately warn foreseeable users of the risk of harm from use of the subject aircraft engines and component parts in that said systems contained hazards of such magnitude so as to create massive and instantaneous failures.

143. Defendant failed to use ordinary care to adequately warn foreseeable users of the risk of harm from the defective design of the aircraft engines in that said engines would fail and the aircraft would crash.

144. Defendant had both an original and continuing duty to monitor the airworthiness of its aircraft engines and/or component parts used in the course of its business and to make such repair and maintenance modifications and recommendations and warnings as necessary to assure the reasonable safety of persons using said aircraft engines.

145. Defendant failed to properly and timely report known and suspected defects, malfunctions, and failures including the precise nature and mechanism of the defect, malfunction and failure in the aircraft engines which is the subject of this lawsuit and thereby breached its duty to repair, replace, recall, inform and warn operators, users, passengers, and others of the known and anticipated malfunctions, problems, safety hazards and defects associated with the use and continued use of the aircraft engines and/or component parts.

146. Defendant failed to report, warn, instruct, recall, replace, repair, inspect, test, investigate and monitor the safety and related hazards of the subject aircraft engines and/or component parts wherein it had an initial and continuing duty and obligation to do so.

147. Defendant issued improper and tardy service bulletins in regard to the aircraft.

148. Defendant Pratt & Whitney Canada should have issued or requested issuance of proper Airworthiness Directives.

149. Joy Chiedozie Allison was killed as a direct result of the sale, use, operation, and service of the aircraft engines without an adequate warning or direction as to its monitoring, repair, replacement, servicing, hazards, and conditions.

150. By virtue of Joy Chiedozie Allison's untimely death, Plaintiff is lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of which Plaintiff has been deprived by reason of such death, further including the past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

151. Plaintiff further claims such damages as the deceased may have suffered between the time of injury and the time of death and for the recovery of which the deceased might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, and further considering the aggravating circumstances attendant upon the fatal injury. Such aggravating circumstances include but are not limited to the wanton, willful callous, reckless and depraved conduct of defendants which entitles Plaintiff to punitive damages to punish the defendants and to deter future wrongdoing in that the acts and omissions of defendants have manifested such reckless and complete indifference to and a conscious disregard for the safety of others that the decedent would have been entitled to punitive damages had she lived.

152. Plaintiff's deceased was killed as a direct and proximate result of the negligence and carelessness of defendant Pratt & Whitney Canada as further set out above.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant Pratt & Whitney Canada for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendants from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XVI

**(STRICT LIABILITY -- DEFECTIVE DESIGN AND MANUFACTURE
BY DEFENDANT UNITED TECHNOLOGIES CORPORATION)**

COMES NOW Plaintiff, as heretofore set out, and for Count XVI of his causes of action against Defendant UTC alleges and states as follows:

153. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 152, inclusive of this Complaint for Damages.

154. Defendant UTC designed, manufactured, assembled, supplied, distributed, or sold the aforementioned aircraft engines and/or related component parts used therein in the course of its business.

155. The aforesaid aircraft engines and/or related component parts used therein were then in a defective condition, unreasonably dangerous when put to their reasonably anticipated uses for reasons including, but not limited to, the following:

- (a) The airplane engines used a defective and unreasonably dangerous design;

- (b) The airplane engines failed causing a loss of power resulting in the airplane crash; and
- (c) For some unknown reason and common experience is such that the death resulting from the deceased's transport within the subject aircraft would not have occurred absent the existence of these defects.

156. The aforesaid aircraft engines and its component parts were used in a manner reasonably anticipated by this defendant.

157. Plaintiff as heretofore set forth suffered damages as a direct and proximate result of said defective conditions as existed when the aircraft engines were sold by this defendant resulting in the death of Joy Chiedozie Allison.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant UTC for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XVII

(STRICT LIABILITY -- SALE, SUPPLY, AND DISTRIBUTION OF DEFECTIVE AIRCRAFT ENGINES BY DEFENDANT UNITED TECHNOLOGIES CORPORATION)

COMES NOW Plaintiff, as heretofore set out, and for Count XVII of his causes of action against Defendant UTC alleges and states as follows:

158. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 157, inclusive of this Complaint for Damages.

159. Defendant UTC designed, manufactured, assembled, supplied, imported, distributed, or sold the aforementioned aircraft engines in the course of their business.

160. The subject aircraft engines was then in a defective condition unreasonably dangerous when put to a reasonably anticipated use.

161. The aforesaid aircraft engines was used in a manner reasonably anticipated by this defendant and others.

162. Plaintiff as heretofore set out were damaged as a direct result of the subject aircraft engines being sold in a defective condition unreasonably dangerous which resulted in the death of Joy Chiedozie Allison.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant UTC for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;

- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XVIII

(NEGLIGENCE -- FAILURE OF DEFENDANT UNITED TECHNOLOGIES CORPORATION TO USE ORDINARY CARE TO DESIGN AND MANUFACTURE AIRCRAFT ENGINES)

COMES NOW Plaintiff, as heretofore set out, and for Count XVIII of his causes of action against this Defendant alleges and states as follows:

163. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 162, inclusive of this Complaint for Damages.

164. Defendant UTC designed, manufactured, assembled, supplied, distributed, or sold the aforementioned aircraft engines and/or related component parts used therein in the course of its business.

165. Defendant UTC held itself out as an entity which could carefully and competently design, manufacture, select materials for, design maintenance programs for, inspect, supply, distribute, and sell aircraft engines and/or related component parts.

166. Defendant UTC had a duty to use that degree of care that an ordinarily careful and prudent designer, manufacturer, and seller of aircraft engines and/or component parts would use under the same or similar circumstances.

167. The aircraft engines and/or related component parts designed, manufactured, and sold by Defendant UTC were defective and otherwise flawed which caused this aircraft to crash.

168. Defendant UTC knew or by using ordinary care should have known of the potential of such dangerous condition as was created by its failure to properly design, manufacture, and sell safe aircraft engines and/or component parts.

169. Defendant UTC was negligent in the following respects:

- (a) The airplane engines used a defective and unreasonably dangerous design;
- (b) The airplane engines failed causing a loss of power resulting in the airplane crash; and
- (c) For some unknown reason and common experience is such that the death resulting from the deceased's transport within the subject aircraft would not have occurred absent the existence of these defects.

170. Plaintiff's deceased was killed as a direct and proximate result of the negligence and carelessness of Defendant UTC as further set out above.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant UTC for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendant from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and

(D) For such other and further relief as this Court deems just and proper.

COUNT XIX

**(STRICT LIABILITY - - FAILURE TO WARN BY
DEFENDANT UNITED TECHNOLOGIES CORPORATION)**

COMES NOW Plaintiff, as heretofore set out, and for Count XIX of his causes of action against this defendant alleges and states as follows:

171. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 170, inclusive of this Complaint for Damages.

172. The aircraft engines, which crashed on June 3, 2012, was then unreasonably dangerous when put to a reasonably anticipated use without knowledge of its characteristics.

173. That at all times pertinent hereto, Defendant UTC failed to provide an adequate warning as to the danger of use of said aircraft which were then unreasonably dangerous.

174. The aircraft engines were used in a manner reasonably anticipated. Defendant had both an original and continuing duty to monitor the airworthiness of its aircraft engines and to make such repair and maintenance modifications and recommendations and warnings as necessary to assure the reasonable safety of passengers on the aircraft.

175. This defendant breached their continuing duty in that they failed to properly and timely report known and suspected aircraft engine component defects and thereby breached their duty to repair, replace, recall, inform and warn operators, users, passengers and others of the known malfunctions and defects.

176. Joy Chiedozie Allison was killed as a direct result of the sale, use, operation, and service of the aircraft engines without an adequate warning or direction as to its monitoring, repair, replacement, servicing, hazards, and conditions.

177. By virtue of Joy Chiedozie Allison's untimely death, Plaintiff is lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of which Plaintiff has been deprived by reason of such death, further including the past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

178. Plaintiff further claims such damages as the deceased may have suffered between the time of injury and the time of death and for the recovery of which the deceased might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, and further considering the aggravating circumstances attendant upon the fatal injury. Such aggravating circumstances include but are not limited to the wanton, willful callous, reckless and depraved conduct of defendants which entitles Plaintiff to punitive damages to punish the defendants and to deter future wrongdoing in that the acts and omissions of defendants have manifested such reckless and complete indifference to and a conscious disregard for the safety of others that the decedent would have been entitled to punitive damages had she lived.

179. Plaintiff's deceased was killed as a direct and proximate result of the negligence and carelessness of Defendant UTC as further set out above.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant UTC for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendants from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XX

(NEGLIGENCE - - FAILURE OF DEFENDANT UNITED TECHNOLOGIES CORPORATION TO WARN OF KNOWN HAZARD)

COMES NOW Plaintiff, as heretofore set out, and for Count XX of his causes of action against this defendant alleges and states as follows:

180. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 179, inclusive of this Complaint for Damages.

181. The aircraft engines and component parts, designed, manufactured and sold by Defendant UTC were in a defective condition and unreasonably dangerous.

182. Defendant failed to use ordinary care to adequately warn foreseeable users of the risk of harm from use of the subject aircraft engines and component parts in that said systems contained hazards of such magnitude so as to create massive and instantaneous failures.

183. Defendant failed to use ordinary care to adequately warn foreseeable users of the risk of harm from the defective design of the aircraft engines in that said engines would fail and the aircraft would crash.

184. Defendant had both an original and continuing duty to monitor the airworthiness of its aircraft engines and/or component parts used in the course of its business and to make such repair and maintenance modifications and recommendations and warnings as necessary to assure the reasonable safety of persons using said aircraft engines.

185. Defendant failed to properly and timely report known and suspected defects, malfunctions, and failures including the precise nature and mechanism of the defect, malfunction and failure in the aircraft engines which is the subject of this lawsuit and thereby breached its duty to repair, replace, recall, inform and warn operators, users, passengers, and others of the known and anticipated malfunctions, problems, safety hazards and defects associated with the use and continued use of the aircraft engines and/or component parts.

186. Defendant failed to report, warn, instruct, recall, replace, repair, inspect, test, investigate and monitor the safety and related hazards of the subject aircraft engines and/or component parts wherein it had an initial and continuing duty and obligation to do so.

187. Defendant issued improper and tardy service bulletins in regard to the aircraft.

188. Defendant UTC should have issued or requested issuance of proper Airworthiness Directives.

189. Joy Chiedozie Allison was killed as a direct result of the sale, use, operation, and service of the aircraft engines without an adequate warning or direction as to its monitoring, repair, replacement, servicing, hazards, and conditions.

190. By virtue of Joy Chiedozie Allison's untimely death, Plaintiff is lawfully entitled to such damages as are fair and just for the death and loss thus occasioned, including but not limited to the pecuniary losses suffered by reason of the death, funeral expenses, and the reasonable value of the services, consortium, companionship, comfort, instruction, guidance, counsel, training, and support of which Plaintiff has been deprived by reason of such death, further including the past and future lost income, household services, and other value of benefits which would have been provided by the deceased.

191. Plaintiff further claims such damages as the deceased may have suffered between the time of injury and the time of death and for the recovery of which the deceased might have maintained an action had death not ensued including, but not limited to, mental anguish, physical disability, conscious pain and suffering, pre-impact terror, and further considering the aggravating circumstances attendant upon the fatal injury. Such aggravating circumstances include but are not limited to the wanton, willful callous, reckless and depraved conduct of defendants which entitles Plaintiff to punitive damages to punish the defendants and to deter future wrongdoing in that the acts and omissions of defendants have manifested such reckless and complete indifference to and a conscious disregard for the safety of others that the decedent would have been entitled to punitive damages had she lived.

192. Plaintiff's deceased was killed as a direct and proximate result of the negligence and carelessness of defendant UTC as further set out above.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant UTC for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendants from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XXI

(NEGLIGENCE - - FAILURE OF DEFENDANT UNITED TECHNOLOGIES CORPORATION TO WARN OF KNOWN HAZARD)

COMES NOW Plaintiff, as heretofore set out, and for Count XXI of his causes of action against Defendant Estate of Peter Waxtan alleges and states as follows:

193. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 192, inclusive of this Complaint for Damages.

194. On June 3, 2012, Peter Waxtan was a licensed pilot with Airline Transport Pilot and Commercial Privileges Ratings with the FAA and was the Captain piloting the subject Boeing MD-83 aircraft at the time of the crash.

195. Peter Waxton as a person who could carefully and competently pilot or otherwise provide safe air transportation.

196. Peter Waxton had a duty to use that degree of care that an ordinarily careful and prudent pilot would use under the same or similar circumstances.

197. Peter Waxton breached that duty and was negligent by failing to maintain control of the aircraft in flight failing to maintain adequate and safe altitude on approach, failing to maintain proper air speed, failing to conduct a proper and safe landing, and causing the plane to crash and burn at said location, thereby causing the injuries and damages complained of herein.

198. Accordingly, Defendant Estate of Peter Waxton is liable in negligence as follows:

- (a) Peter Waxton failed to properly inspect and examine the subject aircraft prior to the fatal flight;
- (b) Peter Waxton failed to properly execute landing of the subject aircraft;
- (c) Peter Waxton failed to properly maintain sufficient airspeed;
- (d) Peter Waxton improperly operated the subject aircraft while also conducting business;
- (e) Peter Waxton failed to maintain control of the aircraft in flight, causing the plane to crash and burn at said location, thereby causing the injuries and damages complained of herein; and
- (f) Peter Waxton failed to maintain proper airspeed during the landing approach which led to a stall of the aircraft and subsequent uncontrolled descent and crash.

199. Plaintiff's decedent, Joy Chiedozie Allison, was killed as a direct and proximate result of the negligence and carelessness of defendant as further set out above.

WHEREFORE, Plaintiff David Chukwunonso Allison prays judgment against Defendant UTC for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendants from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

COUNT XXII

(SURVIVAL ACTION)

COMES NOW Plaintiff, as heretofore set out, and for Count XXII of his cause of survival action against all defendants alleges and states as follows:

200. Plaintiff hereby incorporates by reference, as though fully set out herein, paragraphs 1 through 199, inclusive of this Complaint for Damages.

201. Prior to her death, Plaintiff's deceased, Joy Chiedozie Allison, was caused to suffer multiple injuries of both a pecuniary and non-pecuniary nature, inclusive of bodily injury and conscious pain and suffering and severe terror.

202. Had Plaintiff's deceased survive, he would have been entitled to bring an action for damages and such action has survived him.

203. Plaintiff David Chukwunonso Allison brings this action on behalf of all of the heirs of Plaintiff's decedent pursuant to the Illinois Survival Act.

WHEREFORE, Plaintiff David Chukwunonso Allison in his capacity as the Special Administrator of the Estate of Joy Chiedozie Allison prays for judgment against each defendant for damages as follows:

- (A) For actual damages in excess of the minimum jurisdictional amount of this Court exclusive of interest and cost, such as are fair and reasonable for the wrongful death of Joy Chiedozie Allison;
- (B) For punitive damages in such sums as will serve to punish and deter defendants from future wrongdoing;
- (C) For Plaintiff's costs herein expended; and
- (D) For such other and further relief as this Court deems just and proper.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF
DAVID CHUKWUNONSO ALLISON,
HEIR OF JOY CHIEDOZIE ALLISON,
DECEASED, AND AS FATHER AND
NATURAL GUARDIAN OF NAOMI
ISIOMA ALLISON, MINOR CHILD,**

DEMAND FOR JURY TRIAL

Plaintiff respectfully demands a trial by jury of all issues set out herein.

/s/ Richard F. Mallen
ATTORNEY FOR PLAINTIFF