

IN THE CIRCUIT COURT FOR KNOX COUNTY, TENNESSEE

KAREN RAY, AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF MARCUS RAY ALFORD, SR.,
AND AS GUARDIAN AND NEXT FRIEND OF
MARCUS RAY ALFORD, JR., A MINOR AND
MIYA ALFORD, A MINOR AND ON BEHALF OF
ALL WRONGFUL DEATH BENEFICIARIES,

2011 FEB 18 P 2:01
CATHERINE F. QUIST
CIRCUIT COURT CLERK

AND

SAMUEL GRINDER, INDIVIDUALLY, AS SURVIVING
SPOUSE AND PERSONAL REPRESENTATIVE OF
THE ESTATE OF BILLIE JEAN GRINDER AND ON
BEHALF OF ALL WRONGFUL DEATH BENEFICIARIES,
PLAINTIFFS,

V.

NO.:

2-79-11

JURY DEMANDED

BELL HELICOPTER TEXTRON, INC.,
SERVE: C T CORPORATION SYSTEM
800 S. GAY STREET, SUITE 2021
KNOXVILLE, TN 37929,

ROLLS-ROYCE NORTH AMERICA INC.,
SERVE: CORPORATION SERVICE COMPANY,
2908 POSTON AVENUE
NASHVILLE, TN 37203,

GOODRICH PUMP & ENGINE CONTROL SYSTEMS, INC.
SERVE: MARSHALL LARSEN, PRESIDENT AND CEO
FOUR COLISEUM CENTRE
2730 WEST TYVOLA ROAD
CHARLOTTE, NC 28217-4578,

UNISON INDUSTRIES
SERVE: CHRISTINA M. ALVORD, PRESIDENT
7575 BAYMEADOWS WAY
JACKSONVILLE, FL 32256,

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**HONEYWELL INTERNATIONAL INC.
SERVE: CORPORATION SERVICE COMPANY
2908 POSTON AVENUE
NASHVILLE, TN 37203**

DEFENDANTS.

COMPLAINT

Comes now the Plaintiff's, **Karen Ray**, as personal representative of the Estate of **Marcus Ray Alford, Sr.** and as guardian and next best friend of **Marcus Ray Alford, Jr.**, a minor, and **Miya Alford**, a minor, and on behalf of all the wrongful death beneficiaries of **Marcus Ray Alford, Sr.**, and **Samuel Grinder** as surviving spouse and personal representative of the Estate of **Billie Jean Grinder** and on behalf of all wrongful death beneficiaries of **Billie Jean Grinder** and makes their complaint against the Defendants, **Bell Helicopter Textron, Inc., Rolls-Royce North America, Inc., Goodrich Pump & Engine Control Systems, Inc., Unison Industries, and Honeywell International, Inc.**, and respectfully show:

JURISDICTION AND VENUE

1. At all times material and applicable hereto the Plaintiff, **Karen Ray**, and the surviving minor children of decedent, **Marcus Ray Alford Sr.**, were citizens and residents of Knox County, Tennessee residing at 1401 Border Street, Knoxville Tennessee 37914. At all times material and applicable hereto the decedent, **Marcus Ray Alford, Sr.**, was a citizen of Knox County, Tennessee residing at 1401 Border Street, Knoxville Tennessee 37914 and deployed on active duty in Iraq.

2. At all times material and applicable hereto the Plaintiff, **Samuel Grinder**, was a citizen and resident of Sumner County, Tennessee, residing at 211B Harsh Lane, Castalian Springs, TN 37031. At all times material and applicable hereto the decedent **Billie Jean Grinder** was a citizen and resident of Sumner County, Tennessee residing at 211B Harsh Lane, Castalian Springs, TN 37031 and deployed on duty in Iraq.

3. This Court has personal jurisdiction over Defendants because they have done and are doing business in the State of Tennessee and have sufficient contacts with the Tennessee, both generally and with regard to this specific action, that the exercise of personal jurisdiction over them does not offend the traditional notions of fair play and substantial justice and is proper. Accordingly, jurisdiction and venue are appropriate and proper with this court.

PARTIES

4. Plaintiff, **Karen Ray**, is a resident of the State of Tennessee and brings this suit as next friend of **Marcus Ray Alfred, Jr.**, and **Miya Alfred**, both minors, and as Personal Representative of Estate of **Marcus Ray Alfred, Sr.**, deceased, and on behalf of all wrongful death beneficiaries.

5. Plaintiff, **Samuel Grinder**, is a resident of the State of Tennessee and brings this suit in his individual capacity as surviving spouse and as a statutory wrongful death beneficiary of **Billie Jean Grinder**, deceased and on behalf of all wrongful death beneficiaries.

6. At the time of his death, **Marcus Ray Alfred, Sr.**, resided in the State of Tennessee.

7. At the time of her death, **Billie Jean Grinder** and Plaintiff, **Samuel Grinder**, were husband and wife residing in the State of Tennessee.

8. Defendant **Bell Helicopter Textron, Inc.** (“Bell”) is and was at all times material herein doing business in the State of Tennessee. **Bell** is a Delaware corporation authorized to do business in Tennessee and can be served with process through its Registered Agent in Tennessee, C T Corporation System, 800 S. Gay Street, Suite 2021, Knoxville, TN 37929.

9. Defendant **Rolls-Royce North America, Inc.** (“Rolls-Royce”) is and was at all times material herein doing business in the State of Tennessee. **Rolls-Royce North America** is a Delaware corporation authorized to do business in Tennessee and can be served with process through its Registered Agent in Tennessee, Corporation Service Company, 2908 Poston Avenue, Nashville, TN 37203.

10. Defendant **Honeywell International, Inc.** (“Honeywell”) is and was at all times material herein doing business in the State of Tennessee. **Honeywell** is a Delaware corporation authorized to do business in Tennessee and can be served with process through its Registered Agent Corporation Service Company, 2908 Poston Avenue, Nashville, TN 37203.

11. Defendant, **Goodrich Pump & Engine Control Systems, Inc.**, (hereinafter “Goodrich”) is and was at all times material herein doing business in the State of Tennessee. **Goodrich** does not maintain a regular place of business in Tennessee and does not have a designated agent for service in Tennessee.

12. Defendant, **Unison Industries** (hereinafter “Unison”) is and was at all times material herein doing business in the State of Tennessee. **Unison** does not maintain a

regular place of business in Tennessee and does not have a designated agent for service in Tennessee.

ASSUMED AND COMMON NAMES

13. Defendants are used in all their common and/or assumed names, and notice is given to all parties in interest so that they may appear and answer. In addition to the assumed, common or business names stated elsewhere in this petition, Defendants are known to have used or done business under the following assumed names which include: **Goodrich, Rolls Royce, Allison Engine, Allison Engine Company, Bell, Bell Helicopter, Unison and Honeywell.**

FACTUAL BACKGROUND

14. This case arises from the crash of a United States Army helicopter which occurred on February 21, 2010 when **Marcus Ray Alford, Sr.** and **Billie Jean Grinder** were travelling in an OH-58D (R) Kiowa Helicopter 89-00115 on a mission to in Iraq when the helicopter experienced a Full Authority Digital Electronic Control (FADEC) system failure which caused the helicopter to crash killing both pilots.

15. The failure of the FADEC system and/or components was a direct, producing, and proximate cause of the occurrence which resulted in the deaths of **Marcus R. Alford, Sr. and Billie Jean Grinder.**

CAUSES OF ACTION

16. Plaintiffs commence this action in which they allege that Defendants were negligent, jointly and severally, for the occurrence in question and that such negligence proximately caused the crash, Decedents suffering and death, and the Plaintiffs' damages. Additionally, the components manufactured by Defendants and installed in the subject helicopter were defective in manufacture, construction, design, preparation, assembly, testing, service, warning, instruction and marketing of the OH-58D (R) Kiowa Helicopter 89-00115 involved in this litigation, and the component parts, engine, systems, equipment, accessories and FADEC system thereof. Finally, Defendants through their acts and omissions which resulted in the unreasonably dangerous and defective nature of the helicopter herein described, the lack of adequate cautions and warnings, and the despicable conduct, conscious disregard, willful misconduct, malice, fraud, wantonness, oppression and reckless disregard for the rights, lives, welfare and safety of the decedents and individuals similarly situated, said action of defendant reaching the level of conscious indifference to said rights, welfare, safety and lives by all defendants.

NEGLIGENCE

17. The Plaintiffs hereby incorporates all preceding paragraphs as if fully set forth verbatim herein.

18. Plaintiffs aver that the Defendants' negligent acts, jointly and severally, were the sole and proximate cause of the Plaintiff's injuries and damages.

19. Plaintiffs aver that the Defendant's were negligent in failing to correct or remove unsafe, dangerous, and defective conditions in the OH-58D (R) Kiowa Helicopter 89-00115, about which Defendants knew or should have known, including but not limited

to the unsafe, dangerous and defective FADEC SYSTEM, about which Defendants had knowledge greatly superior to that of the United States Army and Plaintiffs' decedents, so that said aircraft was not airworthy, and was dangerous to the health, life, and property of its operators and passengers, including the Plaintiffs' decedents.

20. Plaintiffs aver Defendants were negligent in putting into the stream of commerce the OH-58D (R) Kiowa Helicopter 89-00115, and the FADEC System in a defective and unairworthy condition;

21. Plaintiffs aver the Defendants were negligent in failing to properly warn and inform the United States Army and Plaintiffs' decedents that Oh-58 Kiowa Helicopter was dangerous and unsafe due to defects and dangerous conditions in the FADEC System, and in its warning and systems, about which Defendants knew or should have known, and about which Defendant had knowledge greatly superior to that of the United States Army and Plaintiff's decedents.

22. Plaintiffs aver the Defendants were negligent failing to provide the United States Army and Plaintiffs' decedents with all necessary, proper and reasonable programs, instructions, manuals, warnings, information and recommendations for the proper and safe operation, control, inspection, testing, maintenance, service, overhaul, and repair of the aircrafts FADEC SYSTEM, ,which created an unreasonable risk and hazard to decedents.

23. Plaintiffs aver that the Defendants, at all times material and applicable hereto, deviated from the standard of care and expected and required of the said Defendants.

24. Plaintiffs aver that the Defendants, at all times material and applicable hereto through affirmative acts and/or omissions by failing to manufacture, construct, design, prepare, assemble, test, service, warn, instruct and market the OH-58D (R) Kiowa

Helicopter 89-00115 involved in this litigation, and the component parts, engine, systems, equipment, accessories and FADEC system thereof proximately contributed to the cause of Plaintiffs' injuries, by deviating from the standard of care and skills expected and required of similarly situated manufactures, designers, constructors, remanufacturers, assemblers, testers, instructors, distributors, servicers and suppliers.

STRICT LIABILITY
BREACH OF EXPRESS AND IMPLIED WARRANTY

25. The OH-58D (R) Kiowa Helicopter 89-00115 was not of merchantable quality and not as expressly warranted by defendants, thus constituting a breach of warranty.

26. Defendants individually, and through their divisions, subsidiaries, officers, agents, servants, employees and assigns, held themselves out to the United States Military, flying public and to decedents herein as possessing superior knowledge and skill in the manufacture, construction, design, formula, preparation, assembly, testing, service, warning, instruction, marketing, packaging or labeling of helicopters, including the OH-58D (R) Kiowa Helicopter 89-00115 involved in this litigation, and the component parts, engine, systems, equipment, accessories and FADEC system thereof.

27. Defendants individually, and through their divisions, subsidiaries, officers, agents, servants, employees and assigns, held themselves out to the United States Military, flying public and to decedents as possessing superior knowledge and skill in the manufacture, construction, design, formula, preparation, assembly, testing, service, warning, instruction, marketing, packaging or labeling of the OH-58D (R) Kiowa Helicopter 89-00115 involved in this litigation, and the component parts, engine, systems, equipment, accessories and FADEC system thereof.

28. Defendants individually, and through their divisions, subsidiaries, officers, agents, servants, employees and assigns, expressly and/or impliedly warranted the manufacture, construction, design, preparation, assembly, testing, service, instruction, marketing, packaging, ,or labeling and sold the same to the users of the OH-58D (R) Kiowa Helicopter 89-00115 or to the users of the component parts which they the manufacture, construct, design, prepare, assemble, test, service, instruct, market, package or label and sold, including the FADEC System involved herein, and that all of the of the OH-58D (R) Kiowa Helicopter 89-00115 component parts and materials, were free from any and all hidden defects and dangers and were of a merchantable quality and fit for the purposes for which they were planned, designed, manufactured, assembled, tested, inspected, sold, delivered, and intended.

29. Defendants breached their aforesaid express and implied warranties in that OH-58D (R) Kiowa Helicopter 89-00115 and all of its components parts and materials involved in this accident, were not free from dangerous defects, were not of merchantable quality, and were not fit for the purposes for which it was planned, designed, manufactured, assembled, tested, inspected, sold, delivered and intended.

30. As a direct and proximate result of Defendants' breaches of express and implied warranties, **Marcus Ray Alford and Billie Jean Grinder** lost their lives.

DAMAGES

31. As a direct and proximate result of Defendants' negligence and breaches of express and implied warranties, the unreasonably dangerous and defective nature of the OH-58D (R) Kiowa Helicopter 89-00115 the lack of adequate cautions and warnings, and

the despicable conduct, conscious disregard, willful misconduct, malice, fraud, wantonness, oppression and reckless disregard for the rights, lives, welfare and safety of the decedents and individuals similarly situated **Marcus Ray Alford, Sr.**, lost his life resulting in the following damages for his beneficiaries and heirs:

a. the pecuniary value of the life of the decedent to be determined upon a consideration of his expectancy of life, his age, condition of health and strength, capacity for labor and for earning money through skill in any act, trade, profession, and occupation or business.

b. the loss of consortium including attention, guidance care, protection, training, companionship, cooperation, affection, love as well as tangible service provide by the decedent.

c. the medical, funeral and burial expenses

d. loss of future earnings, including future pensions and retirement benefits.

32. As a direct and proximate result of Defendants' negligence and breaches of express and implied warranties, the unreasonably dangerous and defective nature of the OH-58D (R) Kiowa Helicopter 89-00115 the lack of adequate cautions and warnings, and the despicable conduct, conscious disregard, willful misconduct, malice, fraud, wantonness, oppression and reckless disregard for the rights, lives, welfare and safety of the decedents and individuals similarly situated, **Billie Jean Grinder**, lost her life resulting in the following damages for her beneficiaries and heirs:

a. the pecuniary value of the life of the decedent to be determined upon a consideration of her expectancy of life, her age, condition of health and strength, capacity for labor and for earning money through skill in any act, trade, profession, and occupation or business.

b. the loss of consortium for a attention, guidance care, protection, training, companionship, cooperation, affection, love, and intimate relations as well as tangible service provide by the decedent.

c. the medical, funeral and burial expenses.

d. loss of future earnings, including future pensions and retirement benefits.

33. Plaintiffs seek all damages recoverable under the applicable law.

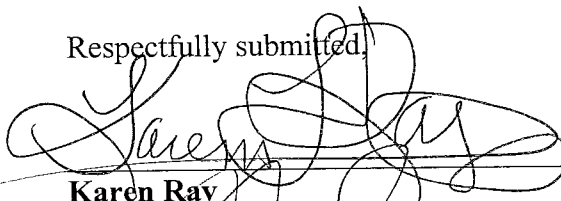
WHEREFORE, Plaintiff, **Karen Ray**, as personal representative of the Estate of **Marcus Ray Alford, Sr.** and as guardian and next best friend of **Marcus Ray Alford, Jr.**, a minor, and **Miya Alford**, a minor, and on behalf of all the wrongful death beneficiaries of **Marcus Ray Alford, Sr.**, demands judgment for damages against the Defendants, in the sum of no less than **Fifteen Million Dollars** and costs. Additionally, Plaintiff demands judgment for punitive damages in the sum of no less than **Twenty-Five Million Dollars** along with any other and general relief deemed necessary by this Honorable Court.

WHEREFORE, Plaintiff, **Samuel Grinder**, as surviving spouse and personal representative of the Estate of **Billie Jean Grinder** and on behalf of all wrongful death beneficiaries of **Billie Jean Grinder** demands judgment for damages against the Defendants, in the sum of no less than **Fifteen Million Dollars** and costs. Additionally,

Plaintiff demands judgment for punitive damages in the sum of no less than **Twenty-Five Million Dollars** along with any other and general relief deemed necessary by this Honorable Court.

Further, the Plaintiffs demand a jury to try this action.

Respectfully submitted,

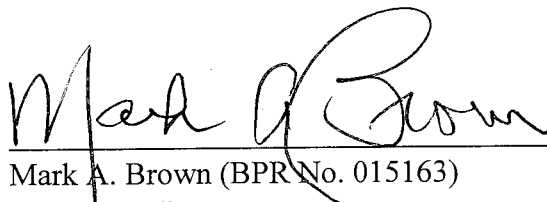


Karen Ray



Samuel Grinder

By:



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