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Parties Line Up for Litigation in Air France Crash

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More than 30 lawsuits have been filed on behalf of passengers of [Air France Flight 447](#), which crashed into the Atlantic Ocean on June 1 while en route from Brazil to Paris.

Most of the suits involving the crash, which killed all 228 people on board, have been filed within the past few weeks. A March 25 hearing before the U.S. Judicial Panel on Multidistrict Litigation addressed whether the growing number of cases should be consolidated and, if so, where they should be heard.

Meanwhile, French aviation officials announced this month that they would launch another search to recover the flight's recorders, or "black boxes," which were never found. Preliminary reports had suggested that there were problems with the aircraft's speed sensors.

Three suits were filed in the months that followed the crash. Those suits, filed on behalf of 18 decedents, are now pending in the Southern District of Texas, the Northern District of California and the Northern District of Illinois. **In recent weeks, Miami's [Podhurst Orseck](#) filed another 28 lawsuits claiming that the aircraft and its parts were defective. Specifically, the suits, which were filed in U.S. District Court for the Southern District of Florida, claim that malfunctions and errors in the speed measurement readings caused the crash.**

"There's no question that this aircraft had problems with its instrumentation and its warning systems and autopilot control systems," said Steven Marks, a partner at Podhurst Orseck. "In fact, Airbus knew about this problem for some time and was in the process of implementing fixes. Their defense is going to be that they had offered a fix for the problem and that Air France had not yet taken advantage of those changes. However, that does not excuse them for the ultimate product defect."

Airbus's lawyer, Thad Dameris, a partner in the Houston office of Washington's [Hogan & Hartson](#), said there was no manufacturing defect. "There is no manufacturing defect with either the air frame or any of its component parts, and there were adequate instructions being given in training manuals and other materials produced by Airbus, Thales and other defendants," said Dameris, who represents Airbus Americas Inc. and its parent corporation, Airbus S.A.S., which is owned by European Aeronautic Defence and Space Co., or EADS.

Richard A. Walker, a member of Chicago's [Kaplan, Massamillo & Andrews](#), who represents Thales Group and two of its subsidiaries, Thales USA Inc. and Thales Avionics Inc., declined to comment. The Thales defendants manufactured the aircraft's [pitot tubes](#) and flight control computer software, while Airbus manufactured the aircraft.

In all, 15 defendants have been named in the MDL litigation, including Airbus, Airbus Americas, Thales Group and Thales USA Inc. The other defendants are: Honeywell International Inc., which manufactured the data inertial reference units, or ADIRUs; Motorola Inc. and Intel Corp., which manufactured the microprocessors in the ADIRUs and flight control computers; Rockwell Collins Inc., which made the aircraft's radar; Hamilton Sundstrand Corp., a division of United Technologies Corp., which manufactured the side-stick control; General Electric Co. and its subsidiary, GE Aviation Systems LLC, which manufactured the aircraft's engines; Goodrich Corp., which manufactured parts of the sensors and

April 1, 2010

in-flight ice detection system; and three companies that manufactured the aircraft's wiring: E.I. du Pont de Nemours and Co.; Judd Wire Inc., a division of Sumitomo Electric Industries Ltd.; and Rchem Corp., part of Tyco Electronics Ltd.

A lawyer for Honeywell, Don G. Rushing, co-chairman of the product liability practice group and a partner in the San Diego office of [Morrison & Foerster](#), did not return a call for comment. Lawyers for the remaining defendants either declined to comment or did not return calls.

Air France, which is not named in the suits, cannot be sued in U.S. courts under the Montreal Convention. Air France's attorney, Christopher Kelly, litigation practice group leader and a partner in New York at [Holland & Knight](#), did not return a call for comment on the litigation.

Dameris, who spoke on behalf of the manufacturing defendants before the MDL Panel during the recent hearing, said that the cases should be coordinated in the Southern District of Texas, where the first suit was filed. Texas was home to the only two U.S. citizens on board Flight 447. Most of the plaintiffs are arguing for the Northern District of California.

Marks, who did not attend the MDL hearing, insisted that the cases belong in U.S. courts, even though most of the passengers were not U.S. citizens. He said that the missing black boxes should not impede his ability to move forward with the lawsuits.

"There's so much information sent through the error messages, it's relatively easy to reconstruct," he said. "I'm confident when discovery takes place, assuming we can conduct discovery, we'll uncover what everyone knows is the cause of this accident, which are the avionics problems."