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AVIATION

Miami suit filed over Brazilian air crash

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The family of a Miami businessman who died in the fiery crash of a TAM Airlines jet in Brazil filed a negligence suit Monday in U.S. District Court in Miami against the airline, the plane's manufacturer and various maintenance companies.

The suit alleges the defendants were negligent in operating, maintaining and manufacturing the Airbus A320. The packed TAM Flight 3054 skidded off the runway July 17 at Sao Paulo's Congonhas Airport before slamming into a fueling station and bursting into flames.

It was one of the worst aviation accidents in Brazilian history, claiming the lives of more than



MARCOS ISSA / BLOOMBERG NEWS

TAM Airlines is accused in the suit of being negligent in hiring and training, using inoperable equipment and failing to follow safe procedures when landing.

200 people.

Steven Marks and Ricardo Martinez-Cid, partners at Podhurst Orseck in Miami, filed the suit on behalf of the family of

Ricardo Tazoe of Miami. The suit cites Article 28 of the Warsaw Convention and U.S. law to justify the Southern District of Florida as
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a proper venue, since the victim lived in Miami and bought his plane ticket here.

Martinez-Cid said it's the first suit over the Sao Paulo crash filed in the U.S., and may be the first filed anywhere.

The suit also names as defendants Charlotte, N.C.-based Goodrich, which Marks said handled aircraft maintenance for TAM; Hartford, Conn.-based International Aero Engines, which built some of the plane's engines; and European plane manufacturer Airbus.

The crash is "clear liability from a factual standpoint, and legal liability from a treaty standpoint," Marks said in an interview. "Their conduct is inexcusable."

Contacted at the airline's headquarters in Sao Paulo, TAM officials declined to comment until after authorities complete their

investigations. In a prepared statement the airline issued the day after the crash, TAM said it "would like to express our deepest sympathy to the families and friends of the passengers, staff and crew that were on board."

When reached at IAE's corporate headquarters in Connecticut, Neil Williams, vice president of communications with IAE, said, "It's still under investigation, and we don't have a response until it's been concluded."

Goodrich spokeswoman Gail Warner declined to comment Monday, but said she would issue a news release later.

Tazoe, 35, was flying to Sao Paulo on business for Banco Santander. He worked at the bank's Miami office. Flight 3054 originated in Porto Alegre in southern Brazil.

Tazoe, a U.S. citizen, is survived by his wife and two children.

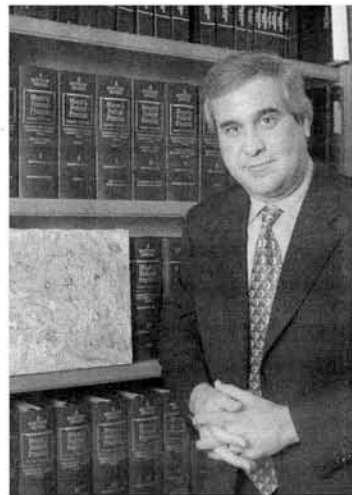
The suit alleges that TAM was negligent in its hiring, training, use of inoperable equipment and failure to follow safe procedures when landing.

The TAM crash has sparked a Brazilian government investigation, immediate calls for reforms of the country's air traffic control system and public pressure to improve accountability.

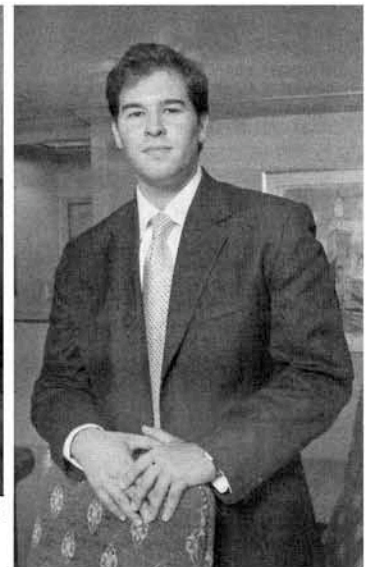
Earlier this month, it was revealed that the right thrust reverser of the plane, which is used to slow planes during landings, had been deactivated prior to landing. TAM officials issued a statement July 21 claiming that this did not pose any safety threat.

But Marks blamed the airline and its flight crew. He also rejected one of the complaints that has surfaced in the Brazilian media, that air traffic controllers were at fault.

"That's kind of a red herring in this case,"



Steven Marks, above, and Ricardo Martinez-Cid, partners at Podhurst Orseck, represent the family of a Banco Santander employee.



he said. "Whatever problems [the air traffic controllers] may have are totally irrelevant. This plane was cleared [to land]. The crew was going too fast with the controls at the improper positions. There's nothing the controller could have or should have done."

Brazil's National Center for the Investigation of Aeronautical Accidents has sent the plane's black boxes — the flight data recorder and pilot voice recorder — to the National Transportation Safety Board in Washington, D.C., for analysis.

Martinez-Cid said there are advantages to filing an aviation liability suit quickly after a

crash.

"Having an ongoing lawsuit will give us access to design documents, technical documents and other information we wouldn't otherwise have," he said.

Miami, he added, has often been the jurisdiction of choice for aviation liability cases, especially regarding Latin America. "The judges here are very experienced in having handled a lot of commercial air disasters," he said. ■

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