

Malaysia Airlines Sued By Family of American on Disappeared Flight

Zoe Tillman, The National Law Journal

The family of one of three American citizens on Malaysia Airlines Flight 370 sued the airline on Tuesday in federal district court in Washington.

Phillip Wood was a passenger on Flight 370, which disappeared on March 8, 2014, while en route from Kuala Lumpur, Malaysia, to Beijing. The airline has said that the plane suffered an as-yet-unspecified “accident.” The Malaysian government said the 227 passengers and 12 crew members were presumed dead. A piece of the plane was discovered last summer on Réunion Island in the Indian Ocean.

Wood’s estate—represented by Podhurst Orseck in Miami, with Robbins, Russell, Englert, Orseck, Untereiner & Sauber in Washington filing the case as local counsel—sued Malaysia Airlines under the Montreal Convention, an international treaty that governs carrier liability for airline accidents.

Podhurst attorney Steven Marks said that he planned to file additional lawsuits on behalf of passengers who bought tickets for Flight 370 through a travel booking company based in the United States.

A Malaysia Airlines representative could not immediately be reached on Wednesday. The airline did not have a law firm listed in court records.

The Wood case is the second lawsuit filed against Malaysia Airlines related to Flight 370 in a U.S. federal court. The first case was filed in the U.S. District Court for the Northern District of Illinois in December on behalf of two Canadian citizen passengers who were American permanent residents. Their estates, represented by Clifford Law Offices in Chicago, also sued under the Montreal Convention.

No lawyer has entered an appearance yet for the airline in the Illinois case.

Lawyers familiar with airline cases previously told The National Law Journal that plaintiffs would have a difficult time pursuing lawsuits in the United States because, without the plane wreckage, it’s hard to determine what caused the accident and who should be held responsible.

Under the Montreal Convention, damages are capped at the equivalent of around \$175,000 only if the airline carrier can prove the accident wasn’t its fault, which Marks said would be tough for Malaysia Airlines to do under the circumstances.