



AVIATION LITIGATION: PRODUCT LIABILITY CLAIMS



Experience Matters

Aviation accidents are never simple. Multiple possible causes may be identified as having played a role and the consequences are often both tragic and profoundly costly. As a result, the litigation following any incident is automatically a high-stakes and complex battle that can lead to a finger-pointing contest among multiple defendants.

Manufacturing or design defect claims magnify this complexity. When a defect is alleged, expert witnesses are often hired to pore over voluminous reports by government investigators. And the lawyers who question those experts need to have mastered the multilayered analysis that is unique to aviation product disputes.

Among lawyers, such cases are not suitable for novices.

Fox Rothschild's Aviation Practice is home to an elite team of product liability litigators who are well-versed in how all of the moving parts of such a case fit together. We know the industry and all of the players. We have deep experience in defending products and defending operators. We pursue defect claims against codefendants and at times represent the plaintiff.

Our intimate understanding of aviation regulation imbues our litigation team with an essential base of knowledge. We understand the interplay between product defect claims and certificates of conformance and flight standards. We are familiar with the staff and leadership at the FAA and the NTSB. They take our calls. They return our calls.

The Fox Aviation Group has earned a reputation for succeeding in hard-fought cases. We have won early-stage dismissal on jurisdiction and other issues and have secured important victories on discovery, evidence and expert witness issues that effectively reframed the case. These incremental victories – along with our reputation – can significantly affect the possibility for early resolution and alter the settlement value of a case.

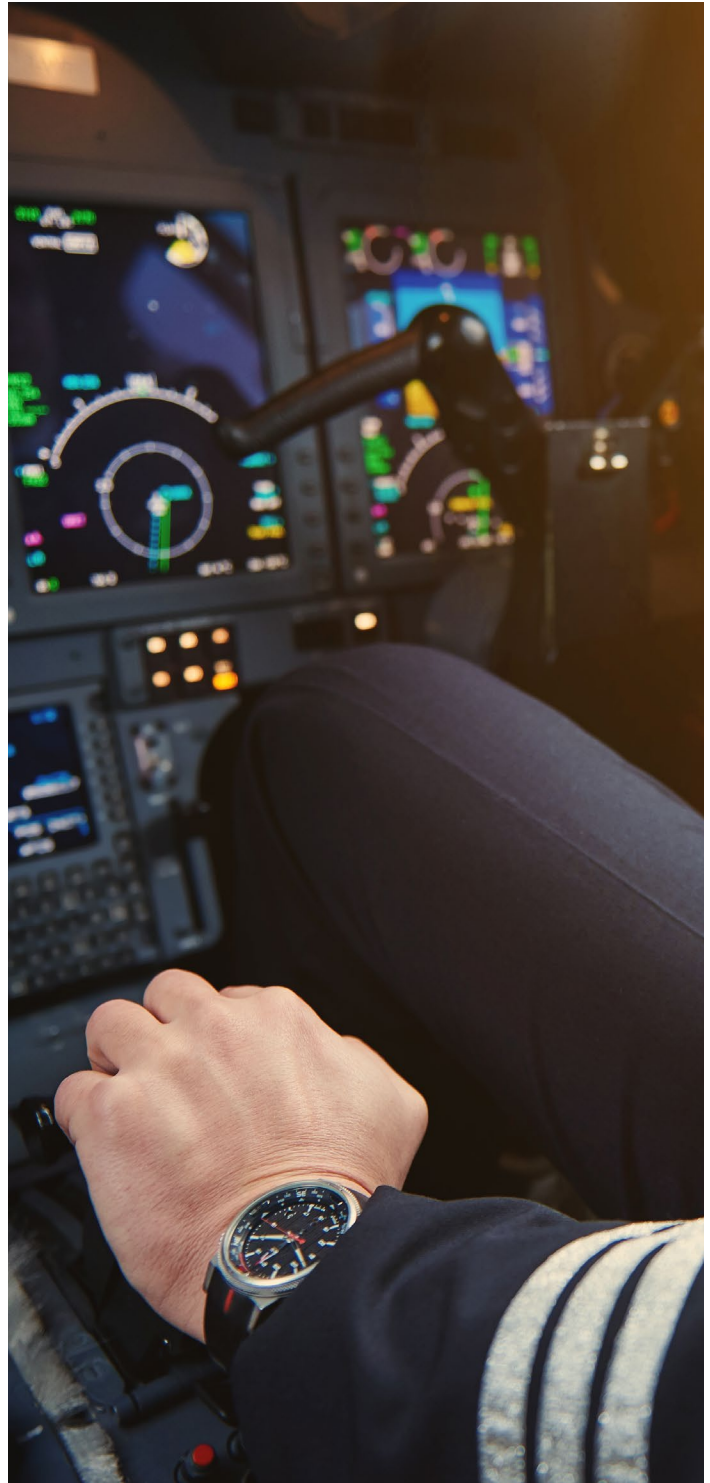
We have handled aviation product liability cases involving:

- Airframe Components
- Avionics Equipment
- Control Systems
- Engines and Engine Components
- Fuel Controls
- Fuselages
- Helicopters and Helicopter Components
- In-Flight Thrust Reverse
- Landing Gear
- Reverse Engineering
- Solar Arrays
- Traffic Collision Avoidance Systems (TCAS)

Steering the Law

Our Aviation team includes attorneys who have been integral to shaping the law in important ways, including *Boyle v. United Technologies Corp.*, a U.S. Supreme Court case that significantly limited product liability claims over military equipment that upheld the Government Contractor's Defense – a rule of law that bars defect claims where a product was made to satisfy precise standards dictated by the U.S. Government.

In another Supreme Court victory, an attorney on our team won an 8-1 decision in *EL AL Israel Airlines, Ltd. v. Tseng*, which held that a plaintiff who cannot show bodily injury cannot state a claim under the Warsaw Convention against the airline – an issue of great significance to the aviation industry. The United States joined the U.K., Canada and Australia with this landmark ruling.



Our Philosophy

It's not our case. It's the client's case.

Ergo, what we determine at the outset of any matter is how our client defines success. At every step, we tailor our litigation strategy to match the client's goals.

We also know that litigation is costly – and that the primary goal of any company named as a defendant in a major piece of litigation is to get out of the case as quickly as possible. We're always focused on reaching the endgame. That means mapping out a strategy for the long game while also building the relationships necessary to create an open dialogue that can lead to an early resolution.

International

Internationally, we have advised on aviation disputes centered in Afghanistan, Belize, Brazil, Canada, Chile, China, Colombia, Congo, Dominican Republic, Ecuador, France, Guam, India, Israel, Italy, Japan, Kuwait, Malaysia, Scotland, Spain, South Africa, South Korea, the United Kingdom and the former Soviet Union and the High Seas.

We have experience in coordinating closely with counsel throughout the world on litigation proceeding in the United States and foreign jurisdictions.

Insurance

Major aviation litigation invariably involves multiple insurers. We are well-versed in the nuances of the tripartite relationship we enter representing the insured.



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