



IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PATRICIA FORAMES; DAVID KEEGAN;
DAVID PANZNER; KEITH RUNDQUIST;
ANTONIO GIOVANNI; JENNIFER HUDSON;
BETH A. GAREE; DAVID HILL;
MACON L. FOWLER, II; DENISE M. WEISS;
KIMBERLY A. SUTHERLAND;
SYLVIA L. BAIRD; ASHLEA HARRINGTON;
THOMAS WALDEN; JAMIE L. ROGERS; and
JUDELINE JACKSON,

Plaintiffs,

CASE NO: CV-2011-_____

vs.

JURY TRIAL DEMANDED

ST AEROSPACE MOBILE, INC., f/k/a ST
MOBILE AEROSPACE ENGINEERING, INC.,
an Alabama corporation; and
JOHN DOE I, JOHN DOE II, JOHN DOE III and
JOHN DOE IV, who are individuals, corporations
or other business entities which performed repairs
and/or maintenance on the subject aircraft, or
which sold or supplied parts or materials for such
work, or who supervised, directed or inspected
said repairs and/or maintenance performed on the
subject aircraft, being parties whose fault caused
or contributed to the injuries sustained by
Plaintiffs which are the basis of this lawsuit, whose
names, capacities and identities are otherwise
unknown to Plaintiffs and which will be added by
amendment when ascertained,

Defendants.

_____ /

COMPLAINT

COME NOW Plaintiffs, and for causes of action for damages against Defendants, allege
as follows:

The Parties

1. Plaintiff Patricia Forames is, and at all times material was, a resident of Florida.
2. Plaintiff David Keegan is, and at all times material was, a resident of Colorado.
3. Plaintiff David Panzner is, and at all times material was, a resident of Pennsylvania.
4. Plaintiff Keith Rundquist is, and at all times material was, a resident of Pennsylvania.
5. Plaintiff Antonio Giovanni is, and at all times material was, a resident of North Carolina.
6. Plaintiff Jennifer Hudson is, and at all times material was, a resident of South Carolina.
7. Plaintiff Beth A. Garee is, and at all times material was, a resident of North Carolina.
8. Plaintiff David Hill is, and at all times material was, a resident of Colorado.
9. Plaintiff Macon L. Fowler, II is, and at all times material was, a resident of Tennessee.
10. Plaintiff Denise M. Weiss is, and at all times material was, a resident of Florida.
11. Plaintiff Kimberly A. Sutherland is, and at all times material was, a resident of Ohio.
12. Plaintiff Sylvia L. Baird is, and at all times material was, a resident of North Carolina.

13. Plaintiff Ashlea Harrington is, and at all times material was, a resident of Alabama.

14. Plaintiff Thomas Walden is, and at all times material was, a resident of North Carolina.

15. Plaintiff Jamie L. Rogers is, and at all times material was, a resident of Delaware.

16. Plaintiff Judeline (“Judy”) Jackson is, and at all times material was, a resident of New York.

17. At all times material hereto, Plaintiffs were employees of U.S. Airways and were members of flight crews on a Boeing 767-2B7 (serial number 24764) bearing FAA Registration Number N251AY (“subject aircraft”) which is the subject matter of this action on the flights, dates and times set forth below.

18. Defendant ST Aerospace Mobile, Inc. (“ST Aerospace”) is a corporation organized under the laws of the State of Alabama and maintains its principal place of business in the State of Alabama, at 2100 Ninth Street, Brookley Complex, Mobile, Alabama. This Defendant engaged in acts and omissions constituting tortious activities in Mobile County, Alabama, giving rise to Plaintiffs’ claims.

19. Defendant ST Aerospace is in the business of providing scheduled aircraft maintenance, repair, and major aircraft modifications on a wide range of wide-body and narrow-body aircraft, including Boeing 767-2B7 aircraft.

20. Prior to December 28, 2009, Defendant ST Aerospace inspected, tested, certified, serviced, overhauled, repaired and/or maintained Boeing 767-2B7 aircraft operated by U.S. Airways.

21. Prior to December 28, 2009, Defendant ST Aerospace inspected, tested, certified, serviced, overhauled, repaired and/or maintained the subject aircraft.

22. Between October 2, 2009 and November 23, 2009, Defendant ST Aerospace, through its agents, servants, workmen and/or employees, undertook to perform heavy maintenance on the subject aircraft including inspection, testing, certifying, servicing, overhauling, repairing and/or maintaining, among other components, the aircraft's number one and number two engines, auxiliary power unit, environmental control system, bleed air system, air delivery system, filtration system and ventilation system.

23. Defendants John Doe I, John Doe II, John Doe III and John Doe IV are individuals, corporations or other business entities, whose names and identities are unknown to Plaintiffs and which will be added by amendment when ascertained, which performed repairs and/or maintenance on the subject aircraft, or which sold or supplied parts or materials for such work, or who supervised, directed or inspected said repairs and/or maintenance performed on the subject aircraft, being parties whose fault caused or contributed to the condition of the subject aircraft, and whose conduct or product caused or contributed to the injuries to Plaintiffs which are the basis of this lawsuit.

December 28, 2009 Fume Event

24. On December 28, 2009, the subject aircraft was operated as U.S. Airways Flight No. 1568 from Charlotte Douglas International Airport (CLT) to San Juan Luis Muñoz Marín International Airport (SJU).

25. On December 28, 2009, while performing their duties as flight attendants on the subject aircraft during the flight from CLT to SJU, Plaintiffs Forames, Keegan, Panzner and

Rundquist were exposed to toxic fumes that entered the passenger compartment of the aircraft through the air delivery system.

26. On December 28, 2009, Plaintiff Patricia Forames was working as a flight attendant in the “E” position aboard the subject aircraft from CLT to SJU and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: headache, sore throat, dizziness, fatigue and nausea.

27. On December 28, 2009, Plaintiff David Keegan was working as a flight attendant in the “C” position aboard the subject aircraft from CLT to SJU and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: headache, sore throat, skin irritation, stomach pain and irritation of his eyes.

28. On December 28, 2009, Plaintiff David Panzner was working as a flight attendant in the “B” position aboard the subject aircraft from CLT to SJU and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: headache, sore throat, irritation of his eyes, dizziness, and nausea.

29. On December 28, 2009, Plaintiff Keith Rundquist was working as a flight attendant in the “D” position aboard the subject aircraft from CLT to SJU and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: headache, difficulty breathing, burning of the nose, throat and lungs, irritation of his eyes, dizziness and nausea.

30. On December 28, 2009, the toxic fumes entered the passenger compartment of the aircraft through the air delivery system as a result of Defendant ST Aerospace’s improper maintenance and repair which allowed engine oil and/or hydraulic fluid, and their byproducts, to enter the aircraft cabin and cockpit through the ventilation system.

December 30, 2009 Fume Event

31. On December 30, 2009, the subject aircraft was operated as U.S. Airways Flight No. 1568 from CLT to SJU.

32. On December 30, 2009, while performing their duties as flight attendants on the subject aircraft during the flight from CLT to SJU, Plaintiffs Giovanni and Hudson were exposed to toxic fumes that entered the passenger compartment of the aircraft through the air delivery system.

33. On December 30, 2009, Plaintiff Antonio Giovanni was working as a flight attendant in the "C" position aboard the subject aircraft from CLT to SJU and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: headache, difficulty breathing, dizziness, nausea, vomiting and irritation of his eyes.

34. On December 30, 2009, Plaintiff Jennifer Hudson was working as a flight attendant in the "D" position aboard the subject aircraft from CLT to SJU and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: headache, sore throat, difficulty breathing, bad taste in her mouth, and cognitive difficulties.

35. On December 30, 2009, the toxic fumes entered the passenger compartment of the aircraft through the air delivery system as a result of Defendant ST Aerospace's improper maintenance and repair which allowed engine oil and/or hydraulic fluid, and their byproducts, to enter the aircraft cabin and cockpit through the ventilation system.

January 8, 2010 Fume Event

36. On January 8, 2010, the subject aircraft was operated as U.S. Airways Flight No. 1081 from Philadelphia International Airport (PHL) to Cyril E. King International Airport, St. Thomas, Virgin Islands (STT).

37. On January 8, 2010, while performing her duties as a flight attendant on the subject aircraft during the flight from PHL to STT, Plaintiff Garee was exposed to toxic fumes that entered the passenger compartment of the aircraft through the air delivery system.

38. On January 8, 2010, Plaintiff Beth Garee was working as a flight attendant in the "D" position aboard the subject aircraft from PHL to STT and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: headache, dizziness, fatigue, burning of her nose and throat, and unable to focus her eyes.

39. On January 8, 2010, the toxic fumes entered the passenger compartment of the aircraft through the air delivery system as a result of Defendant ST Aerospace's improper maintenance and repair which allowed engine oil and/or hydraulic fluid, and their byproducts, to enter the aircraft cabin and cockpit through the ventilation system.

January 16, 2010 Fume Event

40. On January 16, 2010, the subject aircraft was operated as U.S. Airways Flight No. 1040 from CLT to STT and Flight No. 1041 from STT to CLT.

41. On January 16, 2010, while performing their duties as pilots on the subject aircraft during the flight from CLT to STT and the return flight from STT to CLT, Plaintiffs Hill and Fowler were exposed to toxic fumes that entered the cockpit of the aircraft through the air delivery system.

42. On January 16, 2010, while performing their duties as flight attendants on the subject aircraft during the flight from CLT to STT and the return flight from STT to CLT, Plaintiffs Weiss, Sutherland, Baird and Harrington were exposed to toxic fumes that entered the passenger compartment of the aircraft through the air delivery system.

43. On January 16, 2010, Plaintiff David Hill was working as the captain aboard the subject aircraft from CLT to STT and the return flight from STT to CLT and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: burning, irritated throat, neck pain, red irritated eyes, headache, and cognitive difficulties.

44. On January 16, 2010, Plaintiff Macon L. Fowler, II was working as the First Officer aboard the subject aircraft from CLT to STT and the return flight from STT to CLT and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: headache, sore throat, neck pain, irritation of his eyes, trouble breathing and cognitive difficulties.

45. On January 16, 2010, Plaintiff Denise Weiss was working as the lead flight attendant in the "A" position aboard the subject aircraft from CLT to STT and the return flight from STT to CLT and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: headache, irritation of her eyes, fatigue and cognitive difficulties.

46. On January 16, 2010, Plaintiff Kimberly A. Sutherland was working as a flight attendant in the "D" position aboard the subject aircraft from CLT to STT and the return flight from STT to CLT and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: headache, irritation of her eyes, difficulty breathing and swallowing and fatigue.

47. On January 16, 2010, Plaintiff Sylvia L. Baird was working as a flight attendant in the “E” position aboard the subject aircraft from CLT to STT and the return flight from STT to CLT and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: headache, sore throat, difficulty breathing, irritation of her eyes and dizziness.

48. On January 16, 2010, Plaintiff Ashlea Harrington was working as a flight attendant in the “C” position aboard the subject aircraft from CLT to STT and the return flight from STT to CLT and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: headache, sore throat, irritation of her eyes, difficulty breathing, cognitive difficulties, and suffered circulation problems in her hands/fingers and high blood pressure.

49. On January 16, 2010, the toxic fumes entered the passenger compartment of the aircraft through the air delivery system as a result of Defendant ST Aerospace’s improper maintenance and repair which allowed engine oil and/or hydraulic fluid, and their byproducts, to enter the aircraft cabin and cockpit through the ventilation system.

March 16, 2010 Fume Event

50. On March 16, 2010, the subject aircraft was operated as U.S. Airways Flight No. 985 from CLT to Sangster International Airport, Montego Bay, Jamaica (MBJ).

51. On March 16, 2010, while performing his duties as the captain on the subject aircraft during the flight from CLT to MBJ, Plaintiff Walden was exposed to toxic fumes that entered the cockpit of the aircraft through the air delivery system.

52. On March 16, 2010, while performing her duties as a flight attendant on the subject aircraft during the flight from CLT to MBJ, Plaintiff Jamie Rogers was exposed to toxic fumes that entered the passenger compartment of the aircraft through the air delivery system.

53. On March 16, 2010, Plaintiff Thomas Walden was working as the captain aboard the subject aircraft from CLT to MBJ and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: irritation of his exposed skin, red and irritated eyes, and difficulty breathing.

54. On March 16, 2010, Plaintiff Jamie L. Rogers was working as a flight attendant in the "C" position aboard the subject aircraft from CLT to MBJ and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: headache, sore throat, and uncontrollable coughing.

55. On March 16, 2010, the toxic fumes entered the passenger compartment of the aircraft through the air delivery system as a result of Defendant ST Aerospace's improper maintenance and repair which allowed engine oil and/or hydraulic fluid, and their byproducts, to enter the aircraft cabin and cockpit through the ventilation system.

April 25, 2010 Fume Event

56. On April 25, 2010, the subject aircraft was operated as U.S. Airways Flight No. 803 from PHL to Cancun International Airport (CUN) and Flight No. 804 from CUN to PHL.

57. On April 25, 2010, while performing her duties as a flight attendant on the subject aircraft during the flight from PHL to CUN and the return flight from CUN to PHL, Plaintiff Jackson was exposed to toxic fumes that entered the passenger compartment of the aircraft through the air delivery system.

58. On April 25, 2010, Plaintiff Judy Jackson was working as a flight attendant in the "B" position aboard the subject aircraft from PHL to CUN and the return flight from CUN to

PHL and, as a result of exposure to the toxic fumes, experienced the following acute symptoms: headache, irritation of her eyes, fatigue and cognitive difficulties.

59. On April 25, 2010, the toxic fumes entered the passenger compartment of the aircraft through the air delivery system as a result of Defendant ST Aerospace's improper maintenance and repair which allowed engine oil and/or hydraulic fluid, and their byproducts, to enter the aircraft cabin and cockpit through the ventilation system.

All Fume Events Related to the Subject Aircraft

60. The toxic fumes that Plaintiffs were exposed to were comprised of contaminated bleed air.

61. Bleed air is the outside air fraction of the cabin supply air that is first compressed through the aircraft engines or auxiliary power unit and which can become contaminated with engine oil and/or hydraulic fluid, and their byproducts.

62. As a result of Plaintiffs' exposure to contaminated bleed air on the subject aircraft, Plaintiffs have suffered, and continue to suffer, severe chronic physical and emotional injuries.

COUNT I
NEGLIGENCE OF DEFENDANTS

63. Plaintiffs reallege paragraphs one (1) through twenty-three (23) above.

64. At all times material, Defendants owed Plaintiffs a duty of care to inspect, test, certify, service, overhaul, repair and/or maintain the subject aircraft so as to cause it to be in an airworthy condition and capable of safe flight.

65. At all times material, Defendants had a further duty to perform such inspection, testing, certification, service, overhauling, repair and/or maintenance in accordance with the manufacturer's requirements, standards of performance in the industry, standards promulgated by the United States government and in a reasonable and prudent manner so as to not cause injury or death to occupants and passengers on board the subject aircraft.

66. Defendants breached their duties in one or more of the following ways:

- a. failing to properly inspect the subject aircraft's engines, auxiliary power unit, environmental control system, bleed air system, air delivery system, filtration system and ventilation system;
- b. failing to properly overhaul and/or repair the subject aircraft's engines, auxiliary power unit, environmental control system, bleed air system, air delivery system, filtration system and ventilation system;
- c. failing to properly install, reinstall and/or reassemble the subject aircraft's engines, auxiliary power unit, environmental control system, bleed air system, air delivery system, filtration system and ventilation system;
- d. failing to properly perform inspection and testing on the subject aircraft's engines, auxiliary power unit, environmental control system, bleed air system, air delivery system, filtration system and ventilation system;
- e. failing to discover and/or correct defective and dangerous conditions in the subject aircraft's engines, auxiliary power unit, environmental control system, bleed air system, air delivery system, filtration system and ventilation system;
- f. failing to adhere to the Federal Aviation Regulations pertaining to inspection, maintenance, and repair of the subject aircraft's engines, auxiliary power unit, environmental control system, bleed air system, air delivery system, filtration system and ventilation system;
- g. negligently selecting unqualified and inadequate agents or employees to perform inspection, maintenance and repair on the subject aircraft's engines, auxiliary power unit, environmental control system, bleed air system, air delivery system, filtration system and ventilation system;
- h. failing to ascertain whether the agents or employees hired to perform inspection, maintenance and repair on the subject aircraft had the necessary

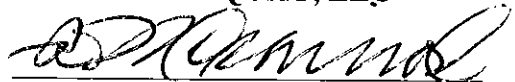
qualifications, experience, skills, tools, facilities and equipment to perform such tasks in an adequate manner;

- i. failing to properly and adequately perform and comply with applicable FAA airworthiness directives; and
- j. failing to properly and adequately perform and comply with manufacturer service bulletins, service letters, approved instructions, warnings, maintenance manuals, inspection schedules and service life schedules.

67. As a direct and proximate result of the negligent acts and/or omissions of Defendants, Plaintiffs suffered significant permanent injuries, as set forth above, and the resulting pain, suffering, disability, disfigurement and mental anguish, and have incurred expenses of hospitalization, medical and nursing care and treatment, loss of earnings, loss of earning capacity in the future, and/or the aggravation of a pre-existing condition. The losses of Plaintiffs are either permanent or continuing, and Plaintiffs will suffer losses in the future.

WHEREFORE, Plaintiffs demand judgment against Defendants for compensatory damages in such amounts as determined by the jury at trial, and the costs of this action.

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DEMAND FOR TRIAL BY JURY

Plaintiffs hereby demand a trial by jury.



ROSS DIAMOND, III

¹ Brodkowitz Law represents all listed Plaintiffs except for Plaintiff Macon L. Fowler, II.