

The Legal Intelligencer

THE OLDEST LAW JOURNAL IN THE UNITED STATES 1843-2011

PHILADELPHIA, WEDNESDAY, APRIL 17, 2019

An **ALM** Publication

Kline & Specter Sues Boeing Over Crash of Ethiopian Airlines' 737 Max 8

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Of the Legal staff

A lead attorney in the Philadelphia Salvation Army building collapse litigation filed suit against Boeing on behalf of a woman who died during the March crash of a 737 Max 8 plane in Ethiopia.

Andrew Stern of Kline & Specter in Philadelphia filed the lawsuit Wednesday in the U.S. District Court for the Northern District of Illinois on behalf of the estate of Manisha Nukavarapu, an Indian citizen who was a legal resident of Tennessee at the time of the crash. The suit alleges products liability, negligence, breach of warrant and civil conspiracy.

In a footnote, the complaint said the plaintiff also intended to sue the U.S. Federal Aviation Administration under the Federal Tort Claims Act for alleged negligence in improperly certifying the plane.

Nukavarapu, who was a medical resident at East Tennessee State University, was killed along with 156 others when a Boeing 737 Max 8 that had been set to fly from Ethiopia to Kenya crashed March 10. The circumstances of the Ethiopian Air flight's crash bore resemblances to that of another 737 Max 8 aircraft owned by Lion Air that crashed Oct. 29, killing 189 people.

Along with Stern and Elizabeth Crawford of Kline & Specter, Jo-

seph Power of Power Rogers & Smith in Chicago and R. Wayne Culbertson in Kingsport, Tennessee, are representing Nukavarapu.

Stern, who focuses on representing plaintiffs in complex litigation, was a lead attorney in the high-profile lawsuit against the Salvation Army stemming from a building collapse that left seven dead and 12 injured. That litigation ended with a \$227 million settlement, and Stern's client, Mariya Plekan, was awarded \$95.6 million from that amount. Stern said at the time that her award was the largest recovery for an injured individual in Pennsylvania history.

When reached for comment Wednesday, Stern said he did not want to comment about Nukavarapu's case beyond the complaint, but added that he "looks forward to prosecuting this case on behalf of the victims of this otherwise preventable catastrophe."

A spokesman for Boeing declined to comment about the lawsuit directly, but said, "Boeing extends our heartfelt condolences and sympathies to the families and loved ones of those onboard Ethiopian Airlines Flight 302. As the investigation continues, Boeing is cooperating fully with the investigating authorities."

The complaint in *Kondaveeti v. Boeing* focuses on alleged problems with the plane's automated flight control system, which is called the

Maneuvering Characteristics Augmentation System. The system is meant to help stabilize an airplane to stop it from stalling. But, the complaint alleges, the system on the 737 Max 8 improperly forced planes into unwarranted dives at low altitudes. Specifically, the complaint said the system relied on only one sensor and failed to properly account for the flight characteristic changes that occurred with the plane's more powerful engines.

The complaint, which was filed by Paul Kondaveeti as administrator of Nukavarapu's estate, also contended that Boeing did not tell the airlines that additional training was needed about the MCAS, and failed to take adequate steps once problems with the aircraft began to arise.

"Defendant Boeing's conduct was outrageous and was the direct cause of this disaster, which otherwise would not have occurred had there been compliance with basic principles of safe aircraft design and pilot training," the complaint said.

The lawsuit also seeks punitive damages.