

American Family Sues Malaysia Airlines for Disappeared Flight

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Miami's Podhurst Orseck is representing the family of one of three American citizens on Malaysia Airlines Flight 370 that is suing the airline in federal district court in Washington.

Phillip Wood was a passenger on that flight, 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 239 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—also represented by 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



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French police officers look over a piece of the wing from Malaysia Airlines Flight 370 that went missing in 2014 with 239 people aboard while flying from Kuala Lumpur to Beijing.

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 airline 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 convention.

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

Lawyers familiar with air-

line 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 convention, dam-

ages 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.

Zoe Tillman reports for the National Law Journal, an ALM affiliate of the Daily Business Review.