

## Miami, Chicago Attorneys Suing Boeing in Malaysia Airlines Flight 370 Crash

By: Celia Ampel

Two years after Malaysia Airlines Flight 370 disappeared, the airplane still hasn't been found, but attorneys for the passengers' families are ready to lay the blame at the door of Boeing Co.

Miami law firm Podhurst Orseck and the Hays Firm in Chicago filed 30 lawsuits in Illinois state court March 2 against the Chicago-based aircraft maker, claiming the investigation into the crash has ruled out every explanation except a defect in the Boeing 777.



Only one confirmed piece of the wreckage has been found: a wing's flaperon that washed up on Reunion Island. The flight was traveling from Kuala Lumpur to Beijing with 227 passengers and 12 crew members.

Investigations turned up nothing unusual about the pilots or cabin crew's qualifications or behavior, nor any evidence that would suggest terrorism, a maintenance error or a weather problem, according to the complaints. Extensive background checks were done on each passenger after the crash, and none left suicide notes or displayed other troubling behavior before they disappeared, the complaint said. The plane was below its maximum weight, had plenty of fuel and didn't encounter any rain.

In the case of pilot suicide or terrorism, the plane would likely have crashed just as soon as it dropped off civilian and military radar, the complaint alleges. Instead, it flew for six more hours.

"You're only left with one possible cause, and that is a manufacturing problem," lead plaintiffs attorney Steve Marks of Podhurst Orseck in Miami said.

The Australian Transport Safety Bureau determined the crash was most likely caused by a "massive and cascading sequence of electrical failures" that prevented the pilots from having any control over the flight's operations, court documents state.

The families are seeking damages for products liability and the suffering the victims experienced before death, according to the lawsuits filed by Andrew Hays of the Hays Firm and Podhurst Orseck attorneys Marks and Roy Altman.

Marks has represented victims in many of the biggest plane crashes over the past 25 years, winning hundreds of millions of dollars for those who lost loved ones in crashes such as SilkAir Flight 185 and Bashkirian Airlines Flight 2937.

He said he expects the Chicago lawsuits to face jurisdictional challenges. Airplane manufacturers often argue the

U.S. is the wrong forum for a case when crash evidence is in another country.

But the lack of wreckage and crash witnesses could help overcome that challenge and move to a jury more quickly, Marks said.

"The law is clear that if a product is destroyed by fire or by circumstances — in this case it disappeared — there is what is called a legal inference that it was a product problem if you can eliminate every other possible cause," he said. "Since Boeing's not going to be able to present evidence on any other cause, I think this is a very good liability case."

A Boeing spokesman declined to comment, citing a company policy against speaking to news media about litigation.

Marks is also representing clients in cases filed in the District of Columbia and Malaysia. Montreal Convention rules on jurisdiction limited the Chicago cases to U.S. citizens and those who bought their plane tickets through a U.S. agent, he said.

The Chicago cases were filed individually because the Cook County clerk requested that they not be consolidated, but it works well because each family suffered differently, Marks said.

Many families are still holding out hope that their loved ones might return. They maintain children's bedrooms just as they left them. One mother is still paying her son's cellphone bill, just in case.

"She doesn't want to cut off his cell service in case he's able to find a charger," Marks said. "And these are not people of means."