

Posted on Mon, Feb. 13, 2006

Pilot's wife, children to receive \$4 million

BY THERESA BRADLEY
tbradley@MiamiHerald.com

A Miami-Dade jury awarded an Ontario widow and her seven children a multi-million dollar award on Monday -- the final chapter in a wrongful death lawsuit filed six years ago against the Opa-locka engine repair firm she accused of failing to properly fix her husband's plane.

At the conclusion of the six-day trial, Certified Engines Unlimited, Inc., was ordered to pay for negligence it exhibited in failing to properly inspect, service and repair the aircraft, and for failing to warn the pilot and owner of any defects about which the firm should have known, according to the plaintiff's complaint.

Valerie Leung's husband, Derek Anthony Leung, had run a commercial air charter service ferrying workers and equipment into the gold mines of Guyana. He was killed in August 1998, when the engine on his Cessna U206 aircraft failed, sending him and one passenger plummeting into the Guyanese jungle, attorney Steven C. Marks said.

Previously, Leung had sent parts of his engine to Certified Engines Unlimited, a well-known repair station near the Opa-locka airport, for repair.

There, Valerie Leung's attorneys argued, mechanics had accidentally overheated the engine, cracking two of its six cylinders -- and trying to cover that up by replacing several engine parts without disclosing what they had done. Federal aviation regulations require a complete description of any work performed on a plane.

Certified kept the engine for at least three years, Leung's attorneys said.

Experts hired by Leung's attorneys traced fractures found on the failed engine back in time, like rings on a tree trunk, dating the source of the damage to the time when the engine was still in Certified's possession.

Certified, in turn, argued that it would never have kept an engine for as long as Leung claimed -- but that a 1998 tornado had destroyed business records that might have proved it had in fact returned the engine at an earlier date, Marks said.

The jury -- which included a one-time airplane mechanic for Pan Am, according to Marks -- appeared not to buy that argument, and returned with its \$10 million verdict in less than four hours.

Certified's insurance would only have covered half that amount, but as a result of a "high-low" agreement made before the case went to trial, the award will be reduced to \$4 million. There can be no appeal, attorneys said.