

Aviation

AIR CRASH NEAR PALEMBANG, INDONESIA

REPRINTED FROM VOLUME 22, ISSUE 13 / AUGUST 17, 2004

\$43.6 Million Awarded in Silk Air Crash Cases

***Bee v. Parker Hannifin Corp. et al.*, No. BC 202587, verdict returned (Cal. Super. Ct., Los Angeles County July 6, 2004).**

A state court jury in California has found Parker Hannifin Corp. liable for the 1997 crash of a Silk Air jet in Indonesia and awarded \$43.6 million in damages to the families of three victims. Parker Hannifin had argued that the pilot intentionally crashed the plane.

The Boeing 737-300, en route from Jakarta, Indonesia, to Singapore, was carrying passengers from 14 countries, including 46 from Singapore, 23 from Indonesia and five from the United States.

Cruising at 35,000 feet, the jet suddenly rolled right and descended, striking a river less than a minute later. Parts of the aircraft were embedded 15 feet beneath the river bottom. All 104 persons on board were killed; the remains of only six passengers could be identified (see *Aviation LR*, Vol. 20, Iss. 23).

An investigation by the Indonesian government, assisted by the National Transportation Safety Board, Boeing Co. and Parker Hannifin, revealed that the cockpit voice recorder stopped 10 minutes before the crash and the flight data recorder four minutes prior.

The plaintiffs argued in Los Angeles County Superior Court that an uncommanded rudder deflection at a high rate of speed caused the aircraft to go into a quick roll from which the flight crew could not recover.

Examination of the Parker Hannifin power control unit revealed metallurgical anomalies including evidence supporting the jammed-rudder theory, the plaintiffs maintained.

Expert witnesses for the plaintiffs were Don Sommer of Bloomfield, Colo., on accident reconstruction; Robert Cauble of Greenwood, Ind., on radar; Maximiliaan Vermij

of Ontario, Canada, on flight data recorders; Kenneth Center of Boulder, Colo., on computer animation and aerodynamics; Donald Kennedy of Kihei, Hawaii, on aerodynamics and flight-path reconstruction; Paul Dow of Lakewood, Ill., on piloting issues; Richard McSwain of Pensacola, Fla., on metallurgy; and John Swiger of San Antonio on economic issues.

Defense Contentions

Parker Hannifin argued that the crash resulted from the intentional actions of the flight crew or negligence in failing to recognize and timely respond to the alleged rudder deflection. The company said the two Silk Air pilots had been trained on an emergency procedure to handle such an event.

Parker Hannifin also maintained that the neutral position of the control unit servo-slides following the crash proved there had been no rudder deflection. It said the missing information from the cockpit voice recorder and flight data recorder were the result of intentional disabling by one or both of the pilots.

The defendant submitted evidence that the captain had experienced recent personal problems and had been demoted due to an incident involving the disabling of a cockpit voice recorder.

Expert witnesses for Parker Hannifin were Gary Fowler of Gardena, Calif., on metallurgy; Michael Marx of Springfield, Va., a former NTSB representative involved in post-crash examinations; John Plaskis of New York, a former Federal Aviation Administration representative, on certification and probabilities; Duncan Schofield of Redmond, Wash., on flight data recorder systems; John Nance of Tacoma, Wash., on piloting issues; Robert Kedlac of Los Angeles on aerodynamics and flight-path reconstruction; and George Miller of Los Angeles on economic issues.

