



CLIFFORD LAW OFFICES®

## AVIATION LITIGATION

*Clifford Law Offices has represented victims of aircraft disasters around the world. The firm has represented passengers and crew against virtually every major airline carrier, manufacturer and assembler, earning the firm a distinguished reputation for managing complex litigation arising from commercial and private air disasters.*

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## *The Client First*

*Every member of the firm upholds the  
highest principles of the legal profession in placing the individual client first.*

*The firm is often said to set the standard in professional excellence.*



Robert A. Clifford founded a personal injury law firm in his name in 1984. For decades, the firm has worked to establish a national reputation, having been named by the *National Law Journal* in 2013 as one of the Top 10 Litigation Boutiques in the country. It also named the firm as one of the top 20 "Plaintiffs' Hot List" in 2003, and in 2004 as one of the 25 "Go-To" plaintiffs' law firms in the country. The *Chicago Lawyer* has consistently named Clifford Law Offices one of the city's top firms in its Annual Settlement Survey.

The lawyers at Clifford Law Offices represent years of practice in the area of personal injury and wrongful death law, particularly aviation and transportation litigation. Every member of the firm upholds the highest principles of the legal profession in placing the individual client first. The firm sets the standard in professional excellence. As a result of the litigation handled by the firm, many defective products and dangerous practices have been changed or abandoned altogether. In the area of aviation litigation, the tireless efforts and numerous depositions of transportation executives and experts have brought to light faulty equipment and parts on aircraft that were still in use. Practices and procedures involving flight crew and air traffic controllers also have been improved due to government and corporate officials becoming aware of the problems through the litigation. Some of the families' stories reflect the impact their lawsuits have made to make the skies safer.

The very nature of Clifford Law Offices involves a willingness to accept the challenges and responsibilities inherent in complex litigation. This thinking and talent has led victims' families from around the world or their personal attorneys to refer cases, especially plane crash cases involving mass tort disasters, to the firm. Those who find themselves the victims of such a tragedy turn to Clifford Law Offices because they know it is a firm that is committed to investing the time and resources required to fully represent every case through the successive stages of investigation, preparation and trial in attempting to achieve what is just and reasonable for each client. Time and time again, Clifford Law Offices has demonstrated how it stands out in helping victims of aviation disasters find out what happened to their loved ones while seeking just compensation for injuries or needless deaths.

The clients of Clifford Law Offices come from every walk of life. The firm has represented victims of personal injury from justices of the court to business and professional leaders across the country, from construction workers to teachers. All of these people are

important and are treated with dignity and respect during their time of great need.

To assist in trial preparation, Clifford Law Offices has pioneered many of the modern courtroom techniques now considered standard practice in the presentation of tort cases. Responding to the increased complexities of civil tort practice, the firm has won significant cases using the latest state-of-the-art computer animation accident reconstruction techniques, three-dimensional modeling, computerized deposition recall, flow charts and document enlargements for the jury to better understand the events that occurred. Clifford Law Offices was among the first personal injury firms in the state to use day-in-the-life videos, presenting a chronology of a personal injury or wrongful death victim's life following an accident, so that a jury can get to know those we represent and the impact the tragedy had on the lives of the injured or wrongfully killed, as well as their loved ones. The attorneys at Clifford Law Offices have the experience to aggressively pursue a case, assimilating, if necessary, breakthrough technological and informational resources into its practice — a philosophy the firm embraces in the service of its commitment to the individual needs of each client.

The firm's ability to respond respectfully and intelligently to mass disaster litigation reflects the human, financial and professional resources the firm applies to such litigation. In mass disaster accidents, the firm's experience in aviation technology and litigation, combined with the experience of its attorneys and legal staff, ensure thorough development and successful handling of these cases. Experts in every field of aviation litigation are retained by the firm from the onset of litigation to help prepare matters for trial and assist in gathering important details. In lawsuits against airlines, aircraft and parts manufacturers, or the government, Clifford Law Offices maintains a commitment to excellence.

The philosophy of Clifford Law Offices is based upon a dedication to protecting and preserving the dignity and the rights of all individuals. With appropriate advice, those grieving can channel feelings of retribution in a positive way in an attempt to change the negligent or reckless behavior in an aircraft disaster. Experience has proven that the power of a single lawsuit can eliminate the dangers caused by unsafe products and practices. Clifford Law Offices is committed to pursuing this philosophy on behalf of its clients.

*Robert A. Clifford, Founder and Senior Partner*

*“Our cases aren’t about revenge, retaliation or retribution – they’re about fairness and justice for the innocent victims and their families.”*



Robert A. Clifford, senior partner at Clifford Law Offices, was named by *Chicago Magazine* as one of the top 100 Most Powerful Chicagoans in 2013. He was named the 2012 *Chicago Lawyer* Person of the Year based upon his trial accomplishments, his contributions to the legal community and to the Chicago area. He also was named one of *Crain's* 2011 Chicago Business' top civic, cultural and professional leaders in Chicago, which recognized 750 individuals that everyone “needs to know.” He is founder of Clifford Law Offices, a nationally recognized personal injury law firm in Chicago concentrating in aviation, transportation, personal injury, wrongful death and product liability law. The *National Law Journal* named the firm one of the Top 10 Litigation Boutiques in the country in 2013.

Mr. Clifford, Immediate Past President of the Chicago Bar Association, is a leader of the bar. He also serves as Chair of the American Bar Association Illinois Delegation to the House of Delegates. He also has served as President of the Illinois Trial Lawyers Association and President of the Chicago Inn of Court which uphold the highest principles of the profession. He has been inducted into the American College of Trial Lawyers and the International Academy of Trial Lawyers. He has been selected to be a member of the National Judicial College, a select assembly of legal and corporate leaders from across the country dedicated to furthering the education and training of judges. Robert Clifford serves on the Board of Overseers of the Rand Institute for Civil Justice, a California-based think tank. He was appointed a member of the Illinois Supreme Court Committee on Civility which was established to discover and foster appropriate ways to promote civility among Illinois lawyers. He also was elected a trustee of the Supreme Court Historical Society, a non-profit organization supporting historical research and publications of the Supreme Court of the United States.

Robert Clifford also is defined by his clients. He has represented families in every commercial aviation crash in the United States since the late 1970's, and led the charge against Boeing in litigation arising out of a Turkish Airlines Boeing 737 crash in Amsterdam, The Netherlands, filed and litigated in the Circuit Court of Cook County. He consistently garners multi-million dollar verdicts and settlements for his clients, most recently leading the trial team that obtained \$112 million of a \$180 million verdict in federal court in St. Louis on behalf of two burn victims in a grain bin explosion. The verdict was listed

in the *National Law Journal* as the 11th highest verdict in the country in 2012. The *Chicago Lawyer* consistently names the firm as garnering the highest amount of settlements every year; in one year alone, 2002, Mr. Clifford alone obtained \$77.32 million in settlements. Mr. Clifford also obtained a \$1.2 billion settlement in 2012 on behalf of insurance companies and business interests who suffered property damage losses in the collapse of the Twin Towers in New York on 9/11.

He was named as one of the Top 10 Attorneys Who Raised the Bar Over the Last Decade in Chicago by the Law Bulletin Publishing Company. He was selected as one of the “five most respected and feared plaintiffs’ attorneys in the country by *Corporate Legal Times* in 2004, calling him “the best of the bad.” He was featured on the cover of the inaugural 2005 issue of *Illinois Super Lawyers* where they called him “Chicago’s Most Likeable Tough Guy.” The feature story headlined him as “Chicago’s Most Feared Attorney – Bob Clifford is a lamb who turns into a lion when he’s confronted by injustice.” He was the cover story of the 2009 *Leading Lawyers’ Consumer Edition*. In 2012, *Best Lawyers* named Mr. Clifford Best Lawyer of the Year in Chicago in Personal Injury Litigation. *Super Lawyer* in Illinois named Bob Clifford the #1 lawyer in the state in 2013. And *Crain's Chicago Business* named him Who’s Who in Chicago Business in 2012. The *National Law Journal* named Mr. Clifford’s firm on the “Plaintiffs’ Hot List: 20 Go-To Teams” in 2004 as well as in 2003. He was named one of the Top Ten Litigators in Illinois in 1999 as well as one of the nation’s Top Ten Litigators of 1993 by the prestigious *National Law Journal*. *American Lawyer Media* recognized Mr. Clifford as one of the Top Ten Most Influential Lawyers in Illinois in 2000. Bob Clifford received the prestigious Justice William J. Brennan Award from the University of Virginia School of Law in 2007.

Mr. Clifford gives back to the community, endowing the first Chair on Tort Law and Social Policy to his alma mater, DePaul University College of Law. This generous gift provides for an annual symposium where academicians, lawyers and judges from across the country gather to speak on a timely topic dealing with the relationship between tort law and societal needs. He sits on the Board of Directors of WTTW, Chicago’s public television station, where he sponsors closed captioning. Robert A. Clifford is principal partner of Clifford Law Offices, a nationally recognized personal injury law firm in Chicago concentrating in aviation, transportation, personal injury, medical negligence and product liability law.

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*In 2012, the Federal Aviation Administration predicts airline passenger travel will nearly double in the next 20 years. That means the number of passengers is expected to increase from 732 million in 2012 to 1.2 billion in 2032.*

## *Aviation work at Clifford Law Offices*

*Clifford Law Offices consistently garners multi-million dollar settlements and verdicts in aviation litigation. Robert A. Clifford has represented those injured or killed in every major commercial airline crash in the United States over nearly three decades.*

### **Caribbean Airlines Flight 523**

Crashed on July 30, 2011, as it attempted to land at Georgetown, Guyana

In the early morning hours of July 30, 2011, Caribbean Airlines Flight 523, a Boeing 737, crashed on landing in Guyana. It was a scheduled international flight from John F. Kennedy Airport, New York, to Georgetown, Guyana, with a stopover in Port of Spain, Trinidad. The aircraft failed to stop in rainy weather, careening down and over-running the runway, then crashed through the perimeter fence, nearly plunging into a ravine. The impact cracked the fuselage in two parts. Clifford Law Offices represented five individuals who were injured on the international flight in cases filed under the Montreal Convention in federal court in the Eastern District of New York. Several of the cases have been settled for confidential amounts.

### **Turkish Airlines Flight 1951**

Crashed on February 25, 2009, on approach to Amsterdam-Schiphol Airport, The Netherlands

A Boeing 737-800 departed Istanbul-Ataturk International Airport on Feb. 25, 2009, with three pilots, the captain, a first officer, and a safety pilot who sat in the jump-seat. They were directed by Air Traffic Control towards runway 18R as they approached Amsterdam-Schiphol International Airport in The Netherlands. As they descended, the left radio altimeter malfunctioned, causing the auto-throttle to disengage which reduced the throttle level position to flight-idle, thereby allowing the airspeed to decrease. As a result, Flight 1951 lost control and crashed into a muddy field about one mile north of the runway. Several people died and dozens more were injured.

### **Continental Connection Flight 3407**

Crashed on February 12, 2009, into a house in Clarence Center near Buffalo, New York



What should have been a routine Newark-to-Buffalo flight ended in tragedy as the Bombardier Dash 8-Q400 crashed into a house, killing all 49 people on board and a man on the ground. Initial National Transportation Safety Board hearings revealed numerous mistakes made by inexperienced, fatigued pilots and an aircraft that should have been better equipped. Clifford Law Offices represented four families who lost loved ones.

### **Comair Flight 5191**

Crashed on August 27, 2006, as it attempted to take off at Lexington, Kentucky's Blue Grass Airport



A crew on an early morning flight violated the sterile cockpit rule and attempted to use a runway that was unlit and too short. Air traffic control violations in the tower also could have prevented this tragedy that led to the deaths of 47 passengers and two crew members. Clifford Law Offices represented five families including a Canadian passenger on board.

### **Southwest Airlines Flight 1248**

Crashed into family car on December 8, 2005, at Midway Airport on Chicago's South Side

It was snowing that day and investigators found that the pilots of the aircraft took too long to slow the plane down. It crashed through a fence barrier and wound up in the middle of traffic. The National Transportation Safety Board (NTSB) in its investigation also found the airlines' system of measuring slick runways was inadequate. The following year the Federal Aviation Administration (FAA) announced a \$15 million grant to Midway Airport to improve runway safety. For little Joshua Woods and his family, it was too late, but the runways are said to be safer now because of him.

### **Turkish Airlines Flight 634**

Crashed on January 9, 2003

In bad weather, the pilots insisted on landing in thick fog in southeastern Turkey. Clifford Law Offices represented the only American citizen on board. There were 75 passengers and crew members aboard when the airliner crashed as it approached Diyarbakir Airport. Clifford Law Offices represented the wife of a Chicago architect who was traveling in Turkey on business.

### **American Airlines Flight 587**

Crashed in a residential neighborhood of New York November 12, 2002

Taking off from John F. Kennedy International Airport, Flight 587 was headed to Santo Domingo in the Dominican Republic. Clifford Law Offices represented an elderly couple, a lawyer and a doctor from Russia, who had settled in Flushing, New York. Also on that flight was a woman who was going to visit her father to celebrate her birthday. Minutes after leaving, the plane's vertical stabilizer and rudder separated in flight and were found in the bay. Subsequently, the airplane's engines separated in flight and were found several blocks from the main wreckage site. All 260 people aboard were killed, along with five people on the ground. The NTSB determined that the probable cause of the crash was the first officer's actions during take-off connected with the rudder, but contributing to the crash was the faulty design of the aircraft.

*Continued on next page*

### American Airlines Flight 11 and United Airlines Flight 175

Crashed on September 11, 2001, into the World Trade Towers in New York City



Robert Clifford served as liaison counsel for all of the interests that lost property after al Qaeda terrorists hijacked and piloted the two Boeing 767 aircraft that slammed into the 110-story steel structures on 9/11. Numerous lawsuits were filed against American Airlines and United Airlines for their multiple failures in properly screening the terrorists that eventually boarded these flights. These complex suits were brought on behalf of insurance companies and business interests from around the globe who suffered property damage losses after the Twin Towers collapsed that fateful morning, permanently wiping them from the New York skyline and forever changing the world. The cases settled for \$1.2 billion in 2012.

### Singapore Air Flight 006

Crashed October 31, 2000, after takeoff at Taipei, Taiwan airport

A Boeing 747 airplane entered the incorrect runway at Chiang-KaiShek Airport in Taiwan. In heavy rain and strong winds, the airplane rolled during the take-off and collided with runway construction equipment, bursting into flames. Eighty three people died, including four crew members. Forty four others were injured. Clifford Law Offices represented the family of a Utah businessman who was killed on that ill-fated flight.

### Alaska Air Flight 261

Crashed on January 31, 2000, in the Pacific Ocean



There is an answer to the question of what caused an airline disaster. It takes painstaking research and investigation to uncover the truth. In the crash of AlaskaAir Flight 261, following Clifford Law Offices taking nearly 100 depositions, it all came down to this jackscrew and the faulty jackscrew system. Clifford Law Offices represented seven families who lost loved ones and obtained more than \$40 million. Following three years of depositions led by Kevin Durkin who served as a member of the Administrative Management Committee and the Plaintiffs' Steering Committee for the litigation, Boeing agreed to a judgment of liability despite the corporate giant getting a virtual pass from the National Transportation Safety Board in its determination of the cause of the crash.

### EgyptAir Flight 990

Crashed October 31, 1999, near Nantucket, Massachusetts

Clifford Law Offices represented an 80-year-old woman who died with the other 216 people aboard. The aircraft crashed into the Atlantic Ocean about 60 miles south of Nantucket after taking off from John F. Kennedy Airport in New York and headed for Cairo, Egypt. The NTSB determined that the probable cause of the crash was an inexplicable error on the part of the first officer. The woman left a husband who is legally blind and relied on his wife for her help.

### American Airlines Flight 1420

Crashed in Little Rock, Arkansas, on June 1, 1999

Two brothers were students at Ouachita Baptist University in Arkadelphia, Arkansas. One, a 22-year-old youth minister, and his 25-year-old brother were seated next to one another in Row 22 E and F on the fateful flight as the McDonnell Douglas DC-9 took off from Little Rock National Airport in severe thunderstorms. The flight crew was unable to control the aircraft in the inclement weather and overran the end of Runway 4R. The plane traveled 411 feet beyond the runway and crashed through a chain link security fence and over a rock embankment to a flood plain, colliding with a structure supporting Runway 22L's approach lighting system. The captain and 10 passengers were killed. The aircraft was destroyed in the ensuing fire. The first officer, the four flight attendants and 105 passengers were injured, including the brothers; 24 passengers miraculously were not injured.

### SwissAir Flight 111

Crashed September 2, 1998, off the coast of Halifax, Nova Scotia

En route to Geneva, Switzerland, SwissAir Flight 111 crashed 16 minutes after takeoff following the pilots reporting smoke in the cockpit. The *Legal Intelligencer*, a highly respected national publication, called Robert Clifford one of the "Who's Who in Aviation Law" following his handling of this litigation. Mr. Clifford was on the Plaintiffs' Committee. The lawsuits, which were consolidated for trial before a federal judge in Philadelphia, Pennsylvania, also were against Delta Airlines, with whom SwissAir conducted a joint venture, and the Dupont Corporation, the manufacturer of metal mylar used in the aircraft's insulation blankets. An interim report issued by the Canadian Transportation Safety Board which investigated the crash concluded that this material was the cause of the rapid spread of fire and that its history of problems made it an unacceptable risk. That finding prompted U.S. air safety officials to recommend that airlines inspect all MD-11 jetliners for electrical wiring problems.

### TWA Flight 800

Crashed off the coast of New York July 17, 1996

This crash has been the subject of much controversy after it plunged about eight nautical miles off the southern coast of Long Island. All 230 persons aboard were killed. Robert Clifford, on behalf of the family member he represented, brought suit against Trans World Airlines, Boeing Corporation and Hydro-Aire, Inc., manufacturer of the fuel pump on board, as the parties responsible for the explosion in the plane's center fuel tank. The probable cause of the crash was determined to be an explosion in the center wing fuel tank of the flammable fuel/air mixture in the tank. The NTSB found that the probable cause of the flammable mixture igniting was a short circuit that traveled through the plane's electrical wiring.

### Tarom Airlines Flight 371

Crashed in Bucharest, Romania, on March 31, 1995

Tarom Airlines Flight 371 crashed in Bucharest, Romania, while en route to Brussels, Belgium, killing all 60 people aboard. Clifford Law Offices represented a 57-year-old business consultant on board the flight. The Romanian Transport Ministry found that the cause of the Airbus crash, and French and Belgian experts agreed, was that the pilot became affected by health problems shortly after takeoff causing the aircraft to go into a spin when the throttle fell idle. The co-pilot was able to switch on the autopilot, but this function refused to carry out the procedure because the necessary parameters were not met, according to the chief inspector of the Romanian Civil Aviation Authority. Richard Burke flew to France to take the depositions of airline employees, then settled the matter for \$4.7 million.

### American Eagle Flight 3379

Crashed in Morrisville, North Carolina, December 13, 1994

Fifteen of the 20 passengers aboard were killed when American Eagle Flight 3379 crashed. The cockpit voice recorder captured the last discussion between the pilot and co-pilot in the Jetstream Super 31 turboprop where they spoke of a failure in one of the plane's two engines and possibly aborting the flight from Greensboro to Raleigh. The NTSB concluded that error of the 29-year-old pilot caused the plane to fall from an altitude of 1,400 feet. He didn't follow proper procedures following engine failure and he did not take the necessary steps to land the plane safely on one engine, pointing perhaps to a lack of training.

### American Eagle Flight 4184

Crashed in Roselawn, Indiana, on Halloween night, 1994

Clifford Law Offices represented 16 individuals who were killed and took 110 depositions. Robert Clifford sat on the Plaintiff's Discovery

Committee. The firm obtained a \$110 million settlement on the eve of trial in federal court for 28 families who had brought suit. Besides an inattentive pilot in an ice storm, the cause of the crash was determined to be a poorly designed de-icing boot on the wing.

### USAir Flight 427

Crashed while maneuvering to land at Pittsburgh International Airport, Pennsylvania, September 8, 1994

USAir Flight 427 crashed while maneuvering to land, killing all 132 aboard. Robert Clifford, along with the families whom he represented who lost loved ones aboard that ill-fated flight, waited five years for the NTSB to reach the conclusion that the probable cause of the aircraft spiraling into a ravine in suburban Pittsburgh was the result of the movement of a rudder which most likely deflected in a direction opposite to that commanded by the pilots. With that finding, the FAA ordered three modifications to that aircraft:

- the plane's rudder control unit be redesigned to prevent a reversal of the rudder direction
- crews have to be newly trained to handle aircraft upsets
- a reduction in the amount of rudder a pilot can apply in high-risk situations.

With that finding, the cases proceeded against USAir and Boeing, the manufacturer of the rudder. The families represented by Clifford Law Offices received more than \$54 million in settlements.

### American Airlines Flight 585

Crashed near Colorado Springs, Colorado, March 3, 1991

Robert Clifford and Kevin Durkin represented five families who lost loved ones in that tragic crash. Clifford Law Offices reached settlements with American Airlines and Boeing Corporation, manufacturers of the plane. This case was the first to point out rudder problems with the 737 aircraft.

### United Airlines Flight 232

Crashed in Sioux City, Iowa, on July 19, 1989

Mr. Clifford obtained a \$28.3 million verdict for a 70-year-old woman severely injured when the plane cartwheeled down the runway upon landing and burst into flames. He also obtained a \$15 million settlement on behalf of a Chicago area man who lost his wife and daughter in the crash. Mr. Clifford also negotiated with the defendants to contribute to a bereavement center that was set up at Children's Memorial Hospital in Chicago in the wife's and child's names. The American Bar Association Journal said of his efforts, "Robert Clifford was more successful than lawyers in other recent Chicago cases."



## *Continental Connection Flight 3407/Colgan Air*

*Crashed: February 12, 2009, in Clarence Center near Buffalo, New York*

The captain had commuted from Florida to Newark to fly the plane. The co-pilot commuted by jump-seating on two different cargo planes overnight from Seattle, Washington, flying across the country, as National Transportation Safety Board (NTSB) officials believed, with little to no sleep. Colgan Air facilities in Newark, New Jersey, do not provide sleeping accommodations, and staying overnight at a hotel was just too costly for the 24-year-old co-pilot who made about \$20,000 a year.

The NTSB hearings also revealed that the captain had only 110.7 hours of experience in the Dash 8 aircraft. Once in flight on that fateful evening on February 12, 2009, the inexperience of the co-pilot on the Newark-to-Buffalo flight, became apparent, despite the weather being typical for the Northeast at that time of year. The cockpit voice recorder that was recovered revealed some of her last words, "I've never seen icing conditions. I've never de-iced. I've never seen any. I've never experienced any of that."

They, along with 47 others on the aircraft and one person on the ground, were killed when the Bombardier Dash 8-Q400 pitched up, rolled rapidly from one side to the other, then entered a steep descending turn and crashed into a house, killing a father in the house as well.

Three months later, the NTSB held three days of public hearings on the worst aviation crash in the history of western New York. Twenty witnesses testified at the NTSB headquarters in Washington, D.C. Excruciating facts emerged for the families who lost loved ones in the crash as a nation mourned their deaths. The mistakes, oversights, careless and reckless actions, and poorly-designed and poorly-implemented systems were recounted about the crash at Clarence Center, New York.

As family members sat in the audience, the hearings revealed the story of a tragedy that could have been avoided: inexperienced, poorly trained and fatigued pilots; startling low pay and lack of sleeping arrangements and/or hotel accommodations for commuting pilots that contributed to crew members habitually jump-seating on overnight cross-country commutes to get to their bases for duty; lack of monitoring by the airlines to enforce duty time and rest regulations; failure to install previously-recommended low airspeed alerter systems that would give pilots greater aural and visual warning; failure to implement NTSB recommendations to disconnect the autopilot when flying in icing conditions on a de-iced-boot-equipped airplane; erroneous information in the flight manuals; violations of the sterile cockpit rule when undivided attention was required during an approach to land in icing conditions; lack of enforcing industry-standard safety programs. The list goes on and on.

Although Federal Aviation Administration (FAA) officials had studied many of these issues over the past several years, they did not act. The airlines did not act. The "one level of safety" that the FAA claims to have established between regional and major air carriers clearly is not there. Colgan Air, its management, its airplanes and its pilots are a low-budget, entry-level operation compared to Continental Airlines, the major airline whose livery is deceptively painted on the side of the Colgan plane.

At the end of the hearings, the families who had attended packed up and returned home in tears, vowing to find out what really happened on that plane so that the necessary changes are made to make flying safer. Although knowing that it couldn't help their loved ones, they did so in the spirit of helping others and so that the loss of their family members' treasured lives would not be in vain.

The Senate Aviation Subcommittee held hearings in June, 2009, as did a House Transportation Subcommittee. It will take many people to make things right.

## *Comair Flight 5191*

*Crashed on Runway: Lexington, Kentucky, on August 27, 2006*

The sun hadn't come up in Lexington, Kentucky, as Comair Flight 5191 started heading down the taxiway and on to the runway at Blue Grass Airport. The pilots chatted about various things, a clear violation of the sterile cockpit rule, that was required to be followed during this important time.

Had they been paying closer attention, they would have noticed that the runway they lined up on and were about to take off from was unlit and was too short. It was the wrong runway. They were supposed to take Runway 22, a longer runway which provided enough distance for the Bombardier Canadair Regional Jet CRJ-100ER to safely get off the ground. Instead, by the time the pilots had realized their error, it was too late. The plane struck a berm and crashed through a fence as it tried to take off at the end of Runway 26. All 47 passengers and two crew members, the 35-year-old captain and the 27-year-old flight attendant, were killed. The first officer survived.

Family members attended a tearful memorial service for all of the victims just days after the crash, but some thought they could do more. Three adult children lost their mother. They wanted to know what happened. They wanted this to never happen again and to try to make flying safer for other travelers. They called their lawyer in Lexington. That firm knew of the national reputation Clifford Law Offices has in aviation law. They called Robert Clifford.

Immediately, Bob Clifford flew to Lexington and met the lawyers and the family. Faced with Kentucky law and the possibility that the airport (which was under construction) would be altered, our firm filed a lawsuit within days of the crash as well as a motion seeking a restraining order and/or temporary injunction in state court. The firm was asking that the taxiways and runways be kept in their current condition so that the firm's experts and attorneys for the family could be allowed to examine the surfaces as well as their configuration. Something obviously had gone terribly wrong and lawyers at Clifford Law Offices promised the grieving family members that they would get to the bottom of it.

Robert Clifford would also make numerous trips to Lexington in the ensuing months on behalf of the five families who had hired the firm for answers. It would later be discovered that a number of things had gone wrong that morning. Careful analysis of the cockpit voice recorder indicated that the captain acknowledged that he would be taking off from Runway 22 that was 7,500 feet long but taxied instead onto an unlit Runway 26 that was just 3,500 feet long. He then turned the controls over to the first officer for takeoff. The lone air traffic controller in the tower did not maintain visual contact with the aircraft and turned away to perform administrative duties so he did not see the tragic mistake that was being made. It would later be revealed that the tower was understaffed, violating an internal policy.

Calculations would demonstrate that with the load the plane was carrying, a runway with a minimum of 3,744 feet was necessary for a safe takeoff. Even though the pilots remarked about the dark runway, they did nothing to check if what they were doing was right. They were wrong.

Before they could achieve lift off, the plane struck a berm, became airborne momentarily, clipped the airport fencing with its landing gear, collided with trees, and then crashed into a hill, separating the fuselage and cockpit from the tail. The plane loaded with jet fuel burst into flames.

Most of the 47 passengers who died were from Lexington. Many of them knew each other in this small, friendly town in the middle of the country that would never be the same.







*Alaska Air Flight 261*  
*Crashed: January 31, 2000, in the Pacific Ocean*

Most of those aboard had just enjoyed several sunny days in beautiful Puerto Vallarta, Mexico. Alaska Air Flight 261 was heading to San Francisco and then continuing on to Seattle for many passengers on that fateful day in 2000. Suddenly, as it flew along the Pacific coast, the aircraft was experiencing problems. Unable to land, it crashed into the ocean, killing everyone aboard.

News started filtering of a plane crash in the Pacific Ocean as families hoped against hope that their loved ones were not on the plane. As the passenger and crew lists were confirmed, families were devastated and helpless. Seven turned to Clifford Law Offices to help sort through a family's worst nightmare. The National Transportation Safety Board (NTSB) immediately sent out a team of investigators to examine the crash in order to determine the cause.

Robert Clifford recommended filing a lawsuit as soon as possible. Two weeks after the crash, he did so. That would not only send a message to all of the parties involved that the families meant business, it also meant that they had a chance to participate in getting answers from the beginning. They did not want to wait. They wanted to be informed and stay informed.

The plane was a MD-83 aircraft built in 1992, manufactured by McDonnell Douglas which became a part of Boeing. Within hours, the law firm had hired aviation experts, while teams of NTSB investigators boarded Coast Guard ships, Navy vessels and private boats combed for debris in a four-mile-wide search for clues and remains. Clifford Law Offices hired experts to look into the design of the aircraft, previous problems with that particular model and the various parts that could have been defective. Clifford Law Offices took more than 100 depositions of engineers and design people from McDonnell Douglas and Boeing. After three years of questioning, it was determined that the horizontal stabilizer had jammed, causing the plane to go into a dive. Mounted on the tail of the plane, the stabilizer controls the pitch of the nose and keeps it from heading downward. A jackscrew, relatively small compared to the size of this large aircraft, had caused an enormous and avoidable loss of life. The aircraft had clearance to make an emergency landing in Los Angeles, but it did not do so. Flight 261 plunged 20,000 feet into the Pacific Ocean about 20 miles north of Los Angeles International Airport near Point Mugu. Depositions led by Kevin Durkin of Alaska Airlines employees, Boeing employees and various experts resulted in Boeing stipulating to a liability judgment against them despite the NTSB giving the corporate giant a virtual pass in its final report. On behalf of the seven families who lost loved ones aboard that airliner, Clifford Law Offices obtained \$40 million for its clients.

## *American Eagle Flight 4184*

*Crashed: October 31, 1994, in Roselawn, Indiana.*

Robert A. Clifford wore a dark blue suit. He entered the wood paneled federal courtroom in Chicago with his leather briefcase, prepared to make his opening statement to the jury which had been selected over the previous two days. A screen was set up for the jurors to view elaborate Powerpoint presentations that would explain the case. It also was for purposes of showing previous testimony of the dozens of witnesses whose earlier depositions had been videotaped in preparation for trial. If anyone contradicted their statements on the witness stand or tried to change their story at this late date, Mr. Clifford was ready to impeach them. The jurors also were to view day-in-the-life videos that Mr. Clifford had produced on each of the 16 passengers who had lost their lives. Mr. Clifford had hired a professional videographer to capture through family photos and videos as well as interviews the lives of each one of the victims he represented who were killed in the tragedy.

Flight 4184 crashed on a cold, rainy Halloween night in 1994, in Roselawn, Indiana. Winds were blowing 30 miles per hour. American Eagle Flight 4184 from Indianapolis was circling 9,000 feet above northwest Indiana waiting to land at Chicago's O'Hare International Airport. Twice the pilots had warned air traffic controllers that freezing drizzle was coating the wings with ice. While the 30-year-old co-pilot was struggling with the ice build-up, the 29-year-old pilot was out of the cockpit.

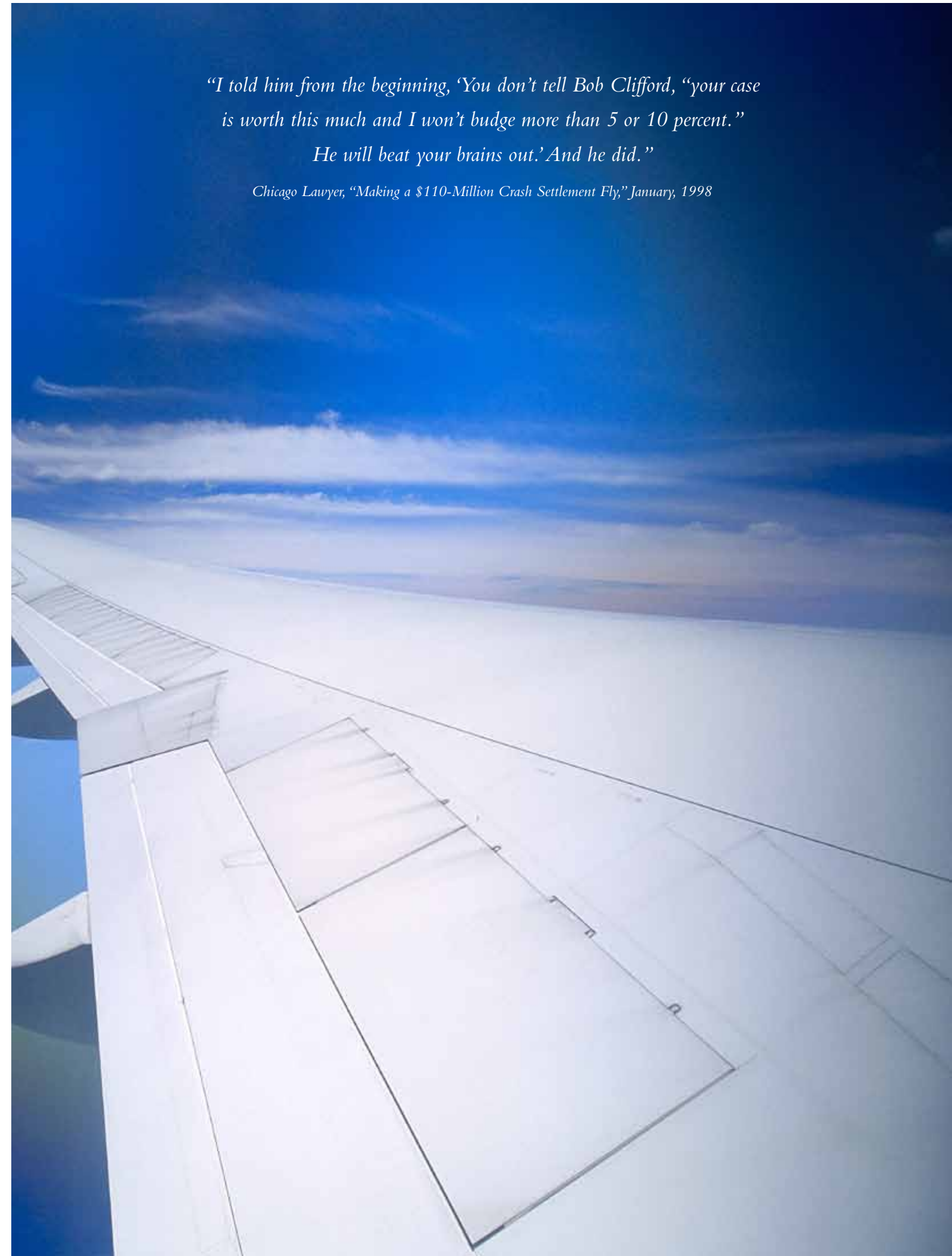
*“Aw, [expletive],” were the last words of the co-pilot before a crunch sound ended the cockpit voice recording. All 68 passengers and crew members perished when the plane rolled and plunged into a cornfield.*

As the trial in Chicago's federal court was about to get underway, the defendants agreed to settle 28 cases for \$110 million and an apology in open court from defense attorneys. They assured those in the courtroom that as much as possible had been done to correct the problems that they believed caused the crash. The families distributed the money in confidential settlements. For a week, settlement talks had continued, even into the weekend, while jurors were told various other reasons for the delay in the trial proceedings – if the settlement had collapsed, the jury is not allowed to have that information for fear it could prejudice their objective decision. Instead, in the end, they were thanked for their patience and were dismissed. Mr. Clifford, as lead counsel for the plaintiffs, was allowed to make a mini-opening statement to the families before a packed courtroom. The lawyer for American Airlines told the families, “We are terribly sorry that this happened.”

The crash led the National Transportation Safety Board in 1996 to urge tighter regulations on flights by commuter aircraft in icing conditions. The NTSB report also concluded that the makers of the French-built ATR-72 turboprop had failed to adequately report previous problems encountered by its planes in icy conditions. Its report also faulted the French Directorate General for Civil Aviation for failing to oversee the manufacturer and for failure to inform the Federal Aviation Administration about the airworthiness of the ATR planes in icy conditions, but also cited the FAA's failure to exert proper authority over the aircraft's maker as well. Robert Clifford and Kevin Durkin led the Plaintiffs' Discovery Committee unearthing these critical facts.

*“I told him from the beginning, ‘You don’t tell Bob Clifford, “your case is worth this much and I won’t budge more than 5 or 10 percent.” He will beat your brains out.’ And he did.”*

*Chicago Lawyer, “Making a \$110-Million Crash Settlement Fly,” January, 1998*





*In a December, 1994 article, the American Bar Association Journal said of his efforts,  
"Clifford was more successful than lawyers in other recent Chicago cases."*

## *United Airlines Flight 232*

*Crashed: July 19, 1989, in Sioux City, Iowa.*

A nation watched as a home video fixed on Runway 2L at Sioux City, Iowa's airport captured the crash. Over and over again, television stations aired the video of a huge jetliner, United Airlines Flight 232, cartwheeling in flames before crash-landing in a soybean field. Passengers were thrown from the plane, killing 112. Another 184 miraculously survived, crawling to safety. There were many heroes that day.

Mr. Clifford received a \$28.3 million verdict on behalf of a 70-year-old woman who suffered permanent injuries and her husband who was killed. Doris Levenberg had a wonderful life before taking that ill-fated flight. She was returning from Denver where she and her husband of less than a year, 71-year-old Allan, were surveying retirement nests. She was active and happy and loved. But in 44 minutes while the plane swirled in circles in the sky before crash landing, their lives were totally different. Allan was killed. Doris was permanently disabled, left to a life of constant painful rehabilitation after suffering nerve damage that impaired the use of her limbs, as well as a broken neck, left arm, right ankle and left leg. Using state-of-the-art visual exhibits and trial presentation techniques, Mr. Clifford tried the case for two weeks before jurors who ranged in age from 22 to 76. It took the jury less than three hours to determine that verdict, a record amount then for a personal injury case in Illinois. The foreman was later quoted to say that it was clear from the trial testimony that Doris was a "fighter who wanted as much out of life as possible despite her injuries." Mr. Clifford also represented a Chicago-area businessman whose family was lost in the crash. Mr. Clifford received a \$15 million settlement on behalf of Terry Brown who lost his wife Janice and 11-year-old daughter Kimberly. The two were returning from a visit to grandma's and at the last minute their seats had been reassigned on the plane. The two people in their previous seats survived the crash. Terry wanted to hold someone culpable in order to make airplane manufacturers more aware of safety concerns. On his behalf, Mr. Clifford obtained an unprecedented admission of responsibility for the crash from the most culpable defendant, General Electric Corporation, which manufactured the plane's engine. Although GE maintained that United Airlines and McDonnell Douglas, builders of the jet, also were responsible, GE admitted that it failed to detect a crack in the engine during routine inspections. Following the settlement, Mr. Brown said that although his wife and daughter paid the ultimate price, he felt he had done everything he could and everything they would have wanted him to do.

Mr. Clifford also was able to extract an additional \$250,000 from the defendants, which included McDonnell Douglas Corporation, manufacturer of the aircraft, to be donated to Chicago Children's Hospital. The additional funds allowed for a bereavement center to be set up in the names of Janice and Kimberly Brown.

## *Turboprops / Private Planes / Corporate Jets*

*Clifford Law Offices represents many individuals hurt or the surviving family members of those killed in private or corporate jet crashes throughout the world.*

A Cessna Citation S550 collided with terrain during a circling instrument approach in Dillon, Montana, on May 3, 2007. The pilot was killed along with his passenger, a 30-year-old married man. They were on their way to a fishing trip in Montana. Clifford Law Offices represented the passenger's widow from Chicago.

On January 30, 2006, a Cessna 421B was destroyed when it crashed in Wheeling, Illinois. A passenger, a 40-year-old financial advisor from Chicago's North Shore and father of two small children, was killed when the pilot attempted to land the twin-engine plane at Palwaukee Municipal Airport.

A 63-year-old man was seated as a passenger in the seat of a Vans RV-6 small plane when a larger Grumman TBM-3 Avenger operated by the Tri-State Warbird Museum backed into his plane as it was preparing to take off at Wittman Regional Airport in Oshkosh, Wisconsin, on July 30, 2006. The man, a Canadian citizen, suffered fatal injuries, and his widow and family turned to Clifford Law Offices.

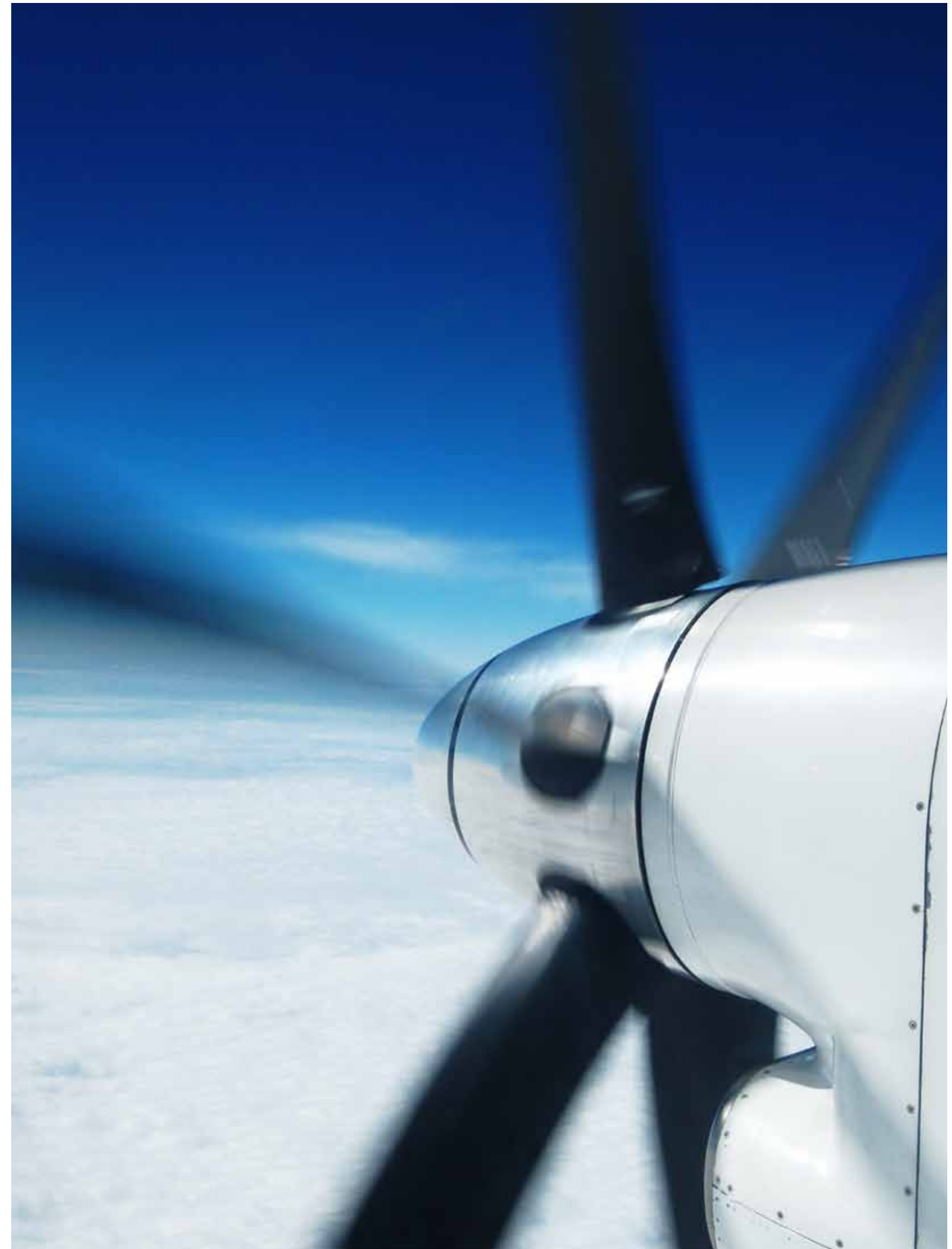
On June 18, 2006, a 55-year-old man from Wisconsin was piloting a RV-6A small airplane that was destroyed during a mid-air collision at the Illinois Valley Regional Airport in Peru, Illinois. His plane crashed to the ground and he was killed. Clifford Law Offices represented his family. The husband and father was killed while flying as part of a four-man team performing a formation maneuver during the air show.

A Chalk seaplane taking off from Miami, Florida, crashed on takeoff on its way to Bimini in the Bahamas, bursting into flames and plunging into the water on December 20, 2005. Horrified beachgoers witnessed the tragedy. Clifford Law Offices represented the family of a prominent Floridian who was on the plane. The case settled for a confidential amount.

Dick Ebersol, NBC Sports Chairman, was traveling with his sons on November 28, 2004, in a chartered Challenger jet. Just after take-off from Montrose Regional Airport in Colorado, it crashed, killing his 14-year-old son, Teddy. Charlie, his 21-year-old son, dragged his father out of the fiery plane. The NTSB investigation indicated the plane's wings were not de-iced in the freezing weather.

A private-rated pilot and three passengers were killed when their plane went down on November 14, 2004, in a cotton field in Dubbs, Mississippi. The plane, a Piper aircraft, burst into flames and was destroyed. The group set out about noon from the Louisiana Regional Airport in Gonzales, Louisiana, and was heading north. Clifford Law Offices represented a child who was killed.

On July 28, 2004, a small plane carrying a private pilot and a flight instructor was destroyed on impact near Fox Lake, Illinois. The plane burst into flames, killing both aboard. A law enforcement officer responding to the accident scene also was seriously injured in the rescue efforts. The flight had taken off from suburban Palwaukee Municipal Airport. Clifford Law Offices represented the pilot.





## *Turboprops/Private Planes/Corporate Jets*

On May 25, 2003, a small plane crashed in Woodruff, Wisconsin killing the mother of six children and her physician husband of nearly forty years. The case was settled for \$750,000.

A small turboprop airplane, an Air Tractor AT-503A, crashed on May 5, 2003, in central Pontiac, Illinois, when the pilot failed to maintain adequate airspeed which resulted in an inadvertent stall during a training flight. Clifford Law Offices represented one of the two certified instructors who was killed while aboard the flight.

A small charter fishing plane crashed in a remote area of Canada carrying four friends on August 24, 2002. A 41-year-old business executive from Geneva, Illinois, was killed. Clifford Law Offices represented his family and obtained a \$4.2 million settlement.

January 31, 2000, started as any other day for popular WGN radio personality Bob Collins. He was on the air that morning broadcasting his talk show until he signed off at 10 am. He then called his wife to tell her he was going to fly his Zlin aircraft, taking off from Waukegan Airport. It was a clear day, but that did not help him when, upon his descent and unbeknownst to him, the air traffic controller had also cleared a student pilot for landing. The two planes collided and his plane careened into a nearby hospital. His wife often accompanied him on his flights but on that day she had decided not to. His last words to her were, "I love you." Clifford Law Offices represented his widow in the high-profile case. Following a trial in federal court, Bob Collins was found not to be at fault.

On Memorial Day weekend in 2001, two friends were returning from a getaway vacation near Lake of the Ozarks State Park. The Piper Comanche aircraft crashed just after take-off in Kaiser, Missouri. Clifford Law Offices represented the mother of a four-year-old daughter who was killed. It was determined that improper maintenance of the plane resulted in contamination of the fuel lines and a loss of power in the engine.

On August 5, 1999, a 56-year-old man was in a small plane with his 27-year-old daughter when the aircraft crashed in north suburban Grayslake, Illinois, killing both of them. The NTSB found that the probable cause of the crash was the pilot's failure to maintain altitude and clearances and his lack of experience in flying at night.

Clifford Law Offices represented a co-pilot of a corporate jet against the owners of a municipal airport outside Chicago as well as the corporation that owned the plane. Following a trial that resulted in a hung jury, Richard Burke tried the case again for another four weeks and received a \$10.45 million verdict, the jury finding the airport 90 percent at fault for failing to provide a safe runway excursion area. Involving that same crash, Mr. Burke earlier obtained a \$13.5 million settlement on behalf of a passenger killed in that Gulfstream IV plane on October 30, 1996.

In May, 2002, Richard Burke obtained a \$6.8 million verdict as a result of the crash of a Piper aircraft that ran out of gas in northwest suburban Schaumburg that was recognized as the Verdict of the Week in the *National Law Journal*. The jury deliberated just three hours following a two-and-a-half week trial before delivering a verdict against the pilot and Northwest Flyers on behalf of a Plainfield woman who suffered severe injuries as a passenger on the aircraft on August 18, 1996.

## *Helicopter Crashes*

*For more than three decades, Clifford Law Offices has established a reputation for excellence in aviation law and, through its lawsuits, has improved safety for the flying public.*

A student pilot sustained serious injuries when he was on a training flight with his instructor at Goshen Municipal Airport in Goshen, Indiana. The instructor and a rear-seat passenger, all represented by Clifford Law Offices, also sustained injury from the August 5, 2005 crash.

Clifford Law Offices represented a 43-year-old mother of two teenagers killed in June, 1999, who was a passenger in a helicopter crash in a mountainous area of Alaska. The firm hired experts to help in the investigation and legal discovery of the accident on behalf of a family living in Florida. It was found that the pilot became disoriented and crashed the helicopter into a mountain. It resulted in a \$900,000 settlement.

Robert Clifford and Kevin Durkin represented the family of a photographer killed in a May 1, 1998 helicopter crash in Arlington Heights, a Chicago suburb. Clifford Law Offices obtained a \$4.1 million settlement against the helicopter transport company that operated the flight from a regional airport. Clifford Law Offices also represented the couple whose suburban home was destroyed by the crash.

On October 30, 1997, a helicopter crashed in suburban Frankfort, Illinois. Clifford Law Offices represented the pilot of the craft. The probable cause of the crash was determined to be a misjudgment of the clearance while maneuvering the approach to a runway on a dark night.

Robert Clifford was successful in settling a case for \$10 million on behalf of the 61-year-old patriarch of one of the leading families in Brazil. The helicopter crashed in a short flight from New York to New Jersey in 1994. His wife and the pilot also were killed.



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