



CLIFFORD LAW OFFICES®



## AVIATION LITIGATION

CLIFFORD LAW OFFICES HAS REPRESENTED VICTIMS OF AIRCRAFT DISASTERS, PASSENGERS, AND CREW, AGAINST VIRTUALLY EVERY MAJOR AIRLINE CARRIER, MANUFACTURER, AND ASSEMBLER AROUND THE WORLD, EARNING THE FIRM A DISTINGUISHED REPUTATION FOR MANAGING COMPLEX LITIGATION ARISING FROM COMMERCIAL AND PRIVATE AIR DISASTERS.

# 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. The *National Law Journal* named Clifford Law Offices one of the 50 Elite Law Firms in the country and they continue to be the only firm in Chicago to be given this distinction. The *National Law Journal* has also named the firm as one of the top 10 Litigation Boutiques in the country. Clifford Law Offices has repeatedly been listed in *U.S. News & World Report's* publication announcing the best 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 hazards through litigation. Some of the families' stories herein 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 across the country, ranging from justices of the court, heads of business and leaders of professions to construction workers and teachers. All of these people are important and are treated

with the same 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.

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.

THE PHILOSOPHY OF CLIFFORD LAW OFFICES IS BASED UPON A DEDICATION TO PROTECTING AND PRESERVING THE DIGNITY AND THE RIGHTS OF ALL INDIVIDUALS.



## ROBERT A. CLIFFORD

FOUNDER AND SENIOR PARTNER AT CLIFFORD LAW OFFICES

Robert A. Clifford is significantly involved in complex mass tort and class action cases that have been the subject of national front-page news. Bob is viewed as a leader of consumer advocacy and has represented thousands of plaintiffs in their claims against the large corporations that have violated their rights and caused them injury.

Bob Clifford has been recognized by many peer-reviewed organizations to be among the best. In 2023, he was named the #1 Super Lawyer in Illinois. He has been named by Best Lawyers in America since its inception in 1993 to be among the top in the country in many categories including Aviation Law, Plaintiffs' Product Liability Litigation, Mass Tort Litigation/Class Actions, Personal Injury Litigation, Medical Malpractice Law, Bet-the-Company Litigation, Qui Tam and Commercial Litigation. The National Law Journal named Clifford Law Offices one of the Top 10 Litigation Boutiques in the country and Bob earned the Elite Trial Lawyers' Award. He was inducted into the Lawdragon Hall of Fame in 2023 where the publication wrote, "Clifford was inducted into the Lawdragon Hall of Fame this year, celebrating his career-long devotion to amplifying victims' voices and relentlessly seeking justice for their harms. 'I feel very fortunate to have found my calling,' he says. "Throughout my legal career, I hope that I have helped many people in ways that others could not." The Jury Verdict Reporter gave Bob its Trial Excellence Award, the Illinois Trial Lawyers Association awarded him the Leonard Ring Lifetime Achievement Award and he received the Illinois Bar Foundation's Lifetime Achievement Award, all of these being the highest awards in each organization.

Bob is particularly proud that Clifford Law Offices has amassed more than \$5 billion in verdicts and settlements in its more than four-decade history. Given that Clifford Law Offices has always been a small-to-mid-sized firm, these accomplishments are more than impressive.

Though these achievements in plaintiffs' injury litigation are spectacular on their own merit, Bob's greatest successes have been in the field of aviation. Bob has represented those injured or killed in every major domestic airline crash over the past four decades. Bob serves as Lead Counsel in the tragic crash of a Boeing 737 MAX shortly after takeoff in Ethiopia, killing all 157 aboard. Clifford Law Offices represents about 70 of the families of the victims in complex litigation in federal court in Chicago. The following list illustrates how truly exceptional Bob is in this field and how unparalleled his experience is:

- ♦ American Airlines Flight 191 in 1979
- ♦ United Airlines Flight 232 in 1989
- ♦ United Airlines Flight 585 in 1991
- ♦ American Eagle Flight 3379 in 1994
- ♦ American Eagle Flight 4184 in 1994
- ♦ USAir Flight 427 in 1994
- ♦ Taron Airlines Flight 371 in 1995
- ♦ TWA Flight 800 in 1996

- ♦ Swissair Flight 111 in 1998
- ♦ American Airlines Flight 1420 in 1999
- ♦ Egyptair Flight 990 in 1999
- ♦ Alaska Air Flight 261 in 2000
- ♦ Singapore Air Flight 006 in 2000
- ♦ American Airlines Flight 587 in 2002
- ♦ Turkish Airlines Flight 634 in 2003
- ♦ Southwest Airlines Flight 1248 in 2005
- ♦ Comair Flight 5191 in 2006
- ♦ Continental Connection Flight 3407 in 2009
- ♦ Turkish Airlines Flight 1951 in 2009
- ♦ Caribbean Airlines Flight 523 in 2011
- ♦ Asiana Flight 214 in 2013
- ♦ Malaysia Airlines Flight 370 in 2014
- ♦ American Airlines Flight 383 in 2016
- ♦ Aeromexico/Aeroliterol Flight 2431 in 2018
- ♦ Southwest Airlines Flight 1380 in 2018
- ♦ Ethiopian Airlines Flight 302 in 2019

The above is exclusive of Bob's work on behalf of property damage interests that arose due to the collapse of the Twin Towers in New York on 9/11. Bob Clifford was the lead negotiator in that \$1.2 billion settlement in 2014.

In addition to an active law practice, Bob does integral work with the national and local bar associations. Bob has been Chair of the American Bar Association's Section of Litigation as well as President of the Chicago Bar Association. He served as Chair of the Fund for Justice and Education, the charitable arm of the ABA. Bob has been inducted into the International Academy of Trial Lawyers and the American College of Trial Lawyers. He is a member of the International Society of Barristers and the Inner Circle of Advocates.

**"OUR CASES AREN'T ABOUT REVENGE, RETALIATION OR RETRIBUTION — THEY'RE ABOUT FAIRNESS AND JUSTICE FOR THE INNOCENT VICTIMS AND THEIR FAMILIES."**

Bob believes in helping the community, and to that end, decades ago he endowed the first Chair on Tort Law and Social Policy to his alma mater, DePaul University College of Law. He sits on the Board of Directors of WTTW, Chicago's Public Broadcasting Station, where he sponsors closed captioning for local programming. He was Chairman of the Board for the Naples Children and Education Foundation, a nonprofit dedicated to helping underprivileged and at-risk children in Southwest, Florida. He and his wife, Joan, were recognized by the Lawyers for the Creative Arts Award in 2018 for their philanthropic work in the area of the arts.

In short, Robert A. Clifford is a titan in the profession and continues to work for justice for his clients while making the community a better place to live.

## KEVIN P. DURKIN

PARTNER

Kevin P. Durkin is a partner at Clifford Law Offices. Over a career that spans more than 40 years, Mr. Durkin has successfully represented clients in many practice areas, including Aviation Litigation, Commercial Aviation Liability, Construction Liability, Personal Injury, Premises Liability, and Transportation Liability.

Mr. Durkin has been named a top-tier attorney by *U.S. News - Best Lawyers*® in the areas of personal injury litigation, aviation law, and product liability since 2011. Mr. Durkin has been recognized six times by *Best Lawyers* as the “Lawyer of the Year,” in Chicago. He was recognized by *U.S. News - Best Lawyers*® as the 2023 “Lawyer of the Year” for Aviation Law. In 2022, 2020 and 2017 he was named Product Liability Litigation “Lawyer of the Year,” in 2021 he was recognized as Aviation Law “Lawyer of the Year,” and in 2018 he was recognized as Personal Injury Litigation “Lawyer of the Year” in Chicago. He has also been selected to the Illinois Super Lawyers® and Leading Lawyers list since 2003, its inception in the state. Mr. Durkin has received multi-million dollar settlements or verdicts in well over one hundred cases. Some of these verdicts have been among the largest verdicts recorded in Illinois.

While he is an established attorney for personal injury, Mr. Durkin is perhaps best known for his work as an aviation accident attorney. He has been involved in nearly every major commercial airline crash of the last two decades, often serving as lead counsel. Mr. Durkin was part of the plaintiffs’ team where a \$110 million settlement was negotiated for a number of families in the American Airlines Flight 4184 crash in Roselawn, Indiana. He also served as one of three members of the Management Committee leading the complex litigation in the tragedy of Alaska Air Flight 261 that crashed in the Pacific Ocean in 2000 en route to Seattle from Puerto Vallarta, Mexico. Mr. Durkin took dozens of depositions, including those of the top engineers in the case against the airline and Boeing, despite the NTSB giving the corporate giant a virtual pass. Mr. Durkin obtained more than \$40 million in settlements on behalf of seven families who lost loved ones, including the largest of the 90 cases settled in that mass disaster litigation.

Currently, he has been representing families that lost loved ones in the tragic crash of Ethiopian Airlines Flight 302 in wrongful death lawsuits against Boeing. This tragedy was the second Boeing 737 Max fatal crash in five months.

With his experience and success as an aviation accident attorney, Mr. Durkin served for four years as the Co-Chair of the American Bar Association’s Section of Litigation Aviation Committee. In that position, he chaired an annual program that

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brought together the best and the brightest to discuss cutting-edge issues in aviation litigation. He often serves as a speaker for the annual program. Mr. Durkin served for two years as Co-Chair of the Mass Torts Litigation Committee and has served as Vice-Chair of the Aviation and Space Law Committee of the Tort Trial and Insurance Practice Section of the American Bar Association.

In addition to his work with commercial aviation litigation, Mr. Durkin has also represented victims of many small plane crashes. For example, he handled the case involving the crash of Bob Collins, WGN radio’s most popular disc jockey, who was killed when a small plane crashed into him as he was landing in the Chicago area. In 2007, the judge in that case entered an award for the maximum coverage by the insurance, nearly \$1 million. Mr. Durkin also received a \$4.1 million settlement in October 2001 on behalf of a photographer who was killed in a helicopter crash in northwest suburban Chicago.

Mr. Durkin graduated from DePaul University College of Law in 1980 and later returned as a member of the adjunct faculty from 1988-1994. He was President of the DePaul University College of Law Center for Public Interest Advisory Board from 2008-2010. Mr. Durkin served as an Assistant State’s Attorney in the Cook County State’s Attorney’s Office in Chicago for eight years from 1980 to 1988. Since then, he has focused on civil litigation at Clifford Law Offices.

He is a member of the American College of Trial Lawyers and a fellow of the International Academy of Trial Lawyers. He also is a Past President of the Chicago Bar Association.

## RICHARD F. BURKE, JR.

PARTNER

Richard F. Burke, Jr. is a partner at Clifford Law Offices. He is an outstanding product liability attorney and one of the most respected aviation liability attorneys in Chicago. Mr. Burke is experienced in many complex practice areas, including aviation litigation, airline liability, medical malpractice, nursing home negligence, heavy truck litigation, product liability, and other forms of product defect litigation.

A tireless worker, Mr. Burke stays on task with the most difficult of cases. He is a quiet, behind-the-scenes leader who knows how to get things done. From establishing groundbreaking liability in sport utility vehicle rollovers to negligent product design and operation of jumbo jet passenger aircrafts, he explores every angle of his cases whether it be researching case law across the country or garnering experts from the other side of the globe. Mr. Burke uncovers the answers to each issue, leading him to many successful verdicts at trial.

Mr. Burke has worked on numerous small plane crash cases on behalf of families both in the Chicago area and around the country. For example, he represented a co-pilot and passenger involved in a plane that crashed during take-off at a suburban airport, Palwaukee. Following years of depositions and exploration, Mr. Burke tried the case of the co-pilot against the corporation that owned the plane.

Following a trial that resulted in a hung jury, he tried the case again for another four weeks against the corporation owning the plane and the municipality that operated the airport. That resulted in a \$10.45 million verdict, the jury finding the airport 90 percent at fault for failing to provide safe terrain alongside the runway. Involving that same crash, he earlier obtained a \$13.5 million settlement on behalf of a passenger killed in that Gulfstream IV plane.

Mr. Burke obtained a \$6.8 million verdict as a result of the crash of a Piper aircraft in northwest suburban Schaumburg, Illinois, on behalf of a Plainfield woman who suffered injuries as a passenger when the plane ran out of fuel. The *National Law Journal* recognized this success as the “Verdict of the Week.”

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CRASH IN THE U.S. IN THE  
LAST 40 YEARS.



In another airline litigation trial, he tried a case involving a small plane that crashed outside Chicago. Mr. Burke obtained a \$6 million verdict on behalf of a young female passenger who was a retail sales manager.

His accomplishments as an aviation law attorney extend to Canada, where he handled a plane crash that occurred in Ontario. He filed suit in both the United States and Canada, successfully settling the case in Canada for \$4 million. He is currently litigating cases on behalf of multiple clients who were onboard an aircraft that crashed to the ground after attempting to take off from a Mexican airport during severe weather conditions, as well as numerous cases on behalf of passengers who were on a plane that experienced an engine explosion and fire minutes after takeoff from a Denver airport bound for Hawaii.

Mr. Burke initially acquired his trial skills as an Assistant State’s Attorney in Cook County for 12 years. He rose up the ranks among his peers to become the supervisor of felony trial prosecutors in two busy suburban courthouses. At that point, he decided to use those litigation skills in the civil arena, and he has been a valuable member of the Clifford Law Offices’ team ever since.

# BRADLEY M. COSGROVE

## PARTNER

Bradley M. Cosgrove, partner at Clifford Law Offices, is particularly experienced in the area of transportation law. He is a seasoned trial attorney with record verdicts and settlements involving trucking accidents, automobile collisions, personal injury, and wrongful death including a \$20 million settlement on behalf of a husband and wife who suffered permanent injuries in a trucking accident. The case was settled during trial.

Always fearless in taking a case to trial, Brad undertook his first jury trial just one day after he received his law license on behalf of a woman permanently injured as a result of being hit by a car as she legally crossed the street within a crosswalk. Within five months of being sworn in as an attorney in Illinois, he gave the closing argument in a case that resulted in a \$3 million gross verdict on behalf of a family who lost their father in a trucking accident. As he worked to establish himself as a leading Chicago personal injury attorney, Brad was reported to be the youngest lawyer in Illinois to obtain a verdict in excess of a million dollars. This verdict was affirmed by the Illinois Appellate Court in *U.S. Bank v. Lindsey*, 397 Ill. App. 3d 437 (1st Dist. 2009). His \$101 million record verdict on behalf of a baby who suffered brain damage at birth at West Suburban Medical Center in Oak Park is the largest medical malpractice verdict in the state's history.

Brad has received numerous accolades recognizing his superior trial skills. He was recognized by *Best Lawyers* as the 2023 "Lawyer of the Year" in the Chicago area for Medical Malpractice Law - Plaintiffs. The National Trial Lawyers named him one of the Top 100 Lawyers in the country. He is a 2023 Leading Lawyer and was selected to the 2023 Illinois Super Lawyers list. He received the Plaintiff Attorney Achievement Award at the Jury Verdict Reporter's Trial Lawyer Excellence Awards on October 25, 2022. He was recognized for his numerous multi-million-dollar verdicts and settlements in 2021, in particular first-chairing five Illinois verdicts of \$5 million or more. The Law Bulletin Publishing Company named him one of the Top 40 Under 40 attorneys in Chicago in 2014. He was named an Illinois Rising Star from 2006-2016.

Here are some of Brad's verdicts in excess of \$5 million dollars:

♦\$101M: A 24-year-old female was 37 weeks pregnant with her first child when she was admitted to West Suburban Medical Center in Oak Park for high blood pressure and monitoring. As a result of obstetrical and hospital malpractice, the fetus was subjected to hours of oxygen deprivation, causing profound brain damage, global developmental disabilities, motor delays, spastic cerebral palsy, speech and language impairment, cortical blindness, profound intellectual disability, epilepsy, and dysphagia/feeding difficulties requiring a gastrostomy tube. This is the



largest medical malpractice verdict in the history of Illinois.

♦\$21.5M: A 6-year-old boy drowned while attending the Justice Park District summer camp when camp counselors took the group to swim at the Bridgeview Park District pool. He did not know how to swim and could not stand anywhere in the general pool with his head above water. The boy, who should have been in the wading pool, was found unresponsive in the main pool, and rescuers and hospital personnel were unable to revive him. This is the largest drowning verdict in the history of Illinois.

♦\$18.15M: A 17-year-old sustained a traumatic brain injury and serious internal injuries that necessitated an airlift to Stroger Hospital when a truck driver, driving for a large trucking company and under the direction of a national shipper, lost control and crashed onto the shoulder of a highway. At the time of the crash, the plaintiff was lawfully on the shoulder of a highway determining if the brake lights and tail lights on his trailer were working. The plaintiff requires a lifetime of future therapy and caretaking services.

He also gives back to the profession and to the community through his work as a leader of the Chicago Bar Association, the Illinois State Bar Association, and the Illinois Trial Lawyers Association serving on its Board of Managers, as well as through the Wounded Warrior projects that help veterans and their families. Brad was raised on Chicago's South Side in the Beverly-Mt. Greenwood area, the son of a Chicago firefighter. In fact, helping people is in his blood – his brother and great-grandfather also are proud Chicago firefighters. Brad Cosgrove is a fair, tough-minded advocate for his clients.

INTEGRITY.  
PROFESSIONALISM.  
TRUST.  
WORDS EMBRACED BY  
THE ATTORNEYS AT  
CLIFFORD LAW OFFICES.



# TRACY A. BRAMMEIER

## PARTNER

Tracy A. Brammeier is a partner at Clifford Law Offices. She works closely with partner Kevin P. Durkin handling many transportation matters. Tracy has worked on several wrongful death and catastrophic injury cases involving semi-trucks, boating accidents, train derailments, and forklifts.

Currently, Tracy is part of the team representing families of the victims of Ethiopian Airlines Flight 302 in dozens of wrongful death lawsuits against Boeing that were consolidated in federal district court in Chicago. She served as the court-appointed Liaison Counsel in that complex litigation. This tragedy was the second Boeing 737 Max fatal crash in five months, resulting in the deaths of all 157 persons on board. Tracy was appointed by the court to be

the liaison counsel for all the plaintiffs' law firms in the litigation regarding that crash, serving as the primary point of contact for both the plaintiff and defense lawyers. Tracy also handles a number of small private aviation incidents as well as helicopter crashes. In the past, Tracy has been involved with other commercial aviation incidents, including work on the 2014 Malaysian Airlines Flight 370, which was never recovered, as well as on the 2009 Colgan Air Flight 3407 at the start of her tenure with the firm.

Tracy is involved in many professional organizations, including the International Aviation Womens Association and American Association for Justice (AAJ). She is a member of the Board of Managers for the Illinois Trial Lawyers Association (ITLA) and the Chicago Bar Association (CBA), for which she also serves as Past Chair of the Young Lawyers Section. Additionally, Tracy has been recognized by *Best Lawyers*® in America, *Leading Lawyers*, *Super Lawyers*, and the *Law Bulletin Publishing Company* where she was named to the list, "40 Under Forty Illinois Attorneys to Watch in 2018."

Tracy works to ensure the quality and integrity of the justice system as an investigating member of the Chicago Bar Association's Judicial Evaluation Committee. She also gives back to the community through her work with the 100 Club of Chicago, a not-for-profit organization that assists the families of police officers and firefighters throughout Cook and Lake Counties, by providing legal resources following the death of a loved one killed in the line of duty. Tracy volunteers with the Chicago Bar Association Young Lawyers Section program for Wills For Heroes, which prepares basic wills for Chicago and Illinois State police officers.

Tracy graduated from Loyola University School of Law in Chicago. While in law school, she served as an Extern for the Honorable Thomas M. Durkin of the U.S. District Court for the Northern District of Illinois.



# JOHN V. KALANTZIS

## ASSOCIATE

Born and raised in the Chicagoland area, John grew up working in his family's restaurant and then stayed local, attending both Northwestern University (B.A.) and Notre Dame Law School (J.D.). As a first generation Greek American, John witnessed the difficulties that immigrants can experience while adapting to a new culture. He also experienced the importance of community in helping people to assimilate and understand how to become part of that new culture. He is fluent in Greek and has been active in the community through his volunteer work for his church and other Greek American community organizations. John has also been involved with local educational groups as he has experienced the role education provides in presenting opportunities for enriching and improving one's life.

John is involved in numerous professional organizations, including the American Bar Association and American Association for Justice (AAJ). He is a member of the Assembly for the Illinois State Bar Association Association (ISBA) where he also serves on the Tort Law Section Council and on the Bar Elections Supervision Committee. John is also on the Judicial Evaluation Committee of the Chicago Bar Association (CBA).

John focuses on aviation law and has a wealth of trial experience in motor vehicle collisions, premises liability, and wrongful death. He is also skilled in alternative dispute resolution. John treats every client with the same care he would offer his own family and battles the profit-driven corporations and insurance companies to ensure that his clients receive the compensation they deserve. Currently, John is part of the team representing the families of the victims of the crash of Ethiopian Airlines Flight 302 in their lawsuits for wrongful death against Boeing. John has also represented family members of victims of car crashes in wrongful death cases as well as those who have suffered serious and life altering injuries. His experience in these areas has exposed him to the suffering of victims of negligence and spurred him to fight on behalf of injured plaintiffs and their families.



## CHARLES R. HASKINS ASSOCIATE

Charles Haskins is an attorney who has experience working on both aircraft and helicopter crashes. Chuck was part of the trial team at Clifford Law Offices that obtained a record \$101 million verdict on behalf of a baby who sustained brain damage at birth at West Suburban Medical Center in Oak Park, Illinois. The baby was brain-damaged at birth when his external fetal monitoring strips were ignored for six hours. Experts on behalf of the plaintiff testified that he would have been born a normal baby if hospital nurses and other medical personnel would have alerted doctors to the abnormalities and performed an emergency C-section. The same year, Chuck obtained an \$8.5 million on behalf of a Williamson County man who died when a certified registered nurse anesthetist and hospital employees allowed the patient to become dangerously hypotensive.

In 2018, Chuck and law firm partner Bradley M. Cosgrove tried six multi-week medical malpractice and wrongful death cases, including a \$21.5 million verdict on behalf of the family of a six-year-old boy who drowned at a public swimming pool. Chuck also worked side by side with firm founder and senior partner Robert A. Clifford in obtaining a \$20 million trucking accident case. His calm, studied approach to every task is a tremendous asset to his clients.

Chuck has been recognized by his peers for his trial excellence. He has been included in the editions of The Best Lawyers in America® every year since 2021 for Medical Malpractice Law - Plaintiffs, Personal Injury Litigation - Plaintiffs, and Product Liability Litigation - Plaintiffs. He has been recognized by Illinois Leading Lawyers and Super Lawyers since 2020. The Law Bulletin Publishing Company named him a Top 40 Under 40 Attorney to Watch in 2020. He gives back to the legal community through his writings and speeches at many bar associations.

Chuck Haskins is a hard-working lawyer experienced in catastrophic injuries. He learned his work ethic from his father, also an attorney, and his mentor, Robert A. Clifford. He is passionate about his work and dedicated to his clients.

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 FOUR DECADES.

# AVIATION TIMELINE & CASE STUDIES

### 1979 AMERICAN AIRLINES FLIGHT 191

Just seconds after American Airlines Flight 191 took off from O'Hare Airport, the McDonnell Douglas DC-10 crashed, killing all 258 passengers on board and 13 crew members along with two people on the ground. Robert Clifford worked on the complex litigation involving numerous defendants in what would be the deadliest crash in our country's history.

### 1989 UNITED AIRLINES FLIGHT 232

The plane cartwheeled down the runway during landing and burst into flames. A jury awarded a severely injured 70-year-old woman \$28.3 million. The defendants settled for

\$15 million with a Chicago area man who lost his wife and daughter. Clifford Law Offices was key in proving that GE, the manufacturer of the engine, failed to detect a crack in a disk.

### 1991 UNITED AIRLINES FLIGHT 585

Twenty passengers and five crew members were en route from Denver to Colorado Springs when a Boeing 737 crashed on its final approach to Runway 35. This was the first case to identify rudder problems in 737 aircraft that led to the FAA ordering three design modifications. Clifford Law Offices represented five families, including four crew members, and reached a settlement with Boeing and United Airlines.

### 1994 AMERICAN EAGLE FLIGHT 3379

Flight 3379 crashed in Morrisville, North Carolina, after one engine failed and the plane's pilot did not follow proper procedures.

### 1994 AMERICAN EAGLE FLIGHT 4184

An inattentive flight crew and a poorly designed de-icing boot system caused a crash during an ice storm. Everyone on board perished. Clifford Law Offices represented 16 passengers' families and helped to secure \$110 million for 28 families whose damages cases were consolidated.

**1994  
USAIR  
FLIGHT 427**

All 132 passengers on Flight 427 were killed during landing due to a rudder malfunction. The FAA enacted three rudder direction modifications to the aircraft to prevent future air catastrophes. Clifford Law Offices obtained \$54 million for the families it represented.

**1995  
TAROM AIRLINES  
FLIGHT 371**

All 60 passengers on Flight 371 were killed when the pilot lost control over Romania due to health problems. The co-pilot attempted to turn on the autopilot, but necessary parameters were not met. Clifford Law Offices settled the case for \$4.7 million for a business consultant who was a passenger aboard this tragic flight.

**1996  
TWA  
FLIGHT 800**

Flight 800 crashed off the coast of New York due to an explosion in the center wing fuel tank. Clifford Law Offices represented a victim's family and collected damages in a case filed in New York Federal District Court. The Boeing 747-100 had taken off from John F. Kennedy Airport and was en route to Paris, France.

**1998  
SWISSAIR  
FLIGHT 111**

Electrical arcing in the wiring of the in-flight entertainment system started an insulation blanket fire that spread to the cockpit. Clifford Law Offices represented the family of a passenger killed in the crash. The McDonnell Douglas MD-11 aircraft was en route from New York to Geneva, Switzerland, when it crashed off a small fishing and tourist community in Nova Scotia.

**1999  
AMERICAN AIRLINES  
FLIGHT 1420**

The flight crew was unable to control Flight 1420 during inclement weather, causing the aircraft to overshoot the runway, crash into a chain-link fence

and strike an anchored stanchion in Little Rock, Arkansas. The captain and 10 passengers were killed; the first officer, four flight attendants and 105 passengers were injured. Clifford Law Offices settled the case of two brothers who survived.

**1999  
EGYPTAIR  
FLIGHT 990**

A total of 217 passengers were killed when flight 990 crashed in the Atlantic Ocean near Nantucket, Massachusetts, after taking off from Los Angeles International Airport en route to Cairo, Egypt. The National Transportation Safety Board determined the crash was caused by the intentional act of the first officer. Among those killed was an 80-year-old woman represented by Clifford Law Offices. She left behind a legally blind husband who was reliant on her for help and assistance with his day-to-day living.

**2000  
ALASKA AIR  
FLIGHT 261**

Clifford Law Offices obtained more than \$40 million in settlements for seven families after Flight 261 crashed in the Pacific Ocean en route from Puerto Vallarta, Mexico, to Seattle, Washington, with a stop at San Francisco International Airport. Nearly 100 depositions were taken to establish that a defective jackscrew system and improper maintenance caused the crash that killed all 88 aboard, including 83 passengers, two pilots and three crew members.

**2000  
SINGAPORE AIR  
FLIGHT 006**

A Boeing 747 headed to Los Angeles, California, entered the wrong runway at Chiang-KaiShek Airport in Taiwan. During take-off, which occurred in heavy rain and strong winds, the airplane rolled and collided into nearby construction equipment, causing it to burst 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.

**2001  
AMERICAN AIRLINES FLIGHT 11  
& UNITED AIRLINES FLIGHT 175**

Clifford Law Offices represented the property interests of companies, corporations and business owners involved in the destruction of the World Trade Center's Twin Towers on September 11, 2001. These suits were complex, representing insurance companies and business interests around the world. It settled in 2012 for \$1.2 billion.

**2002  
AMERICAN AIRLINES  
FLIGHT 587**

The National Transportation Safety Board determined Flight 587 crashed due to faulty actions taken by the first officer during take-off that caused the tail of the aircraft to fall off. The flight departed from John F. Kennedy Airport in New York and was heading to Santo Domingo's Las Americas International Airport in the Dominican Republic. All 260 passengers, as well as five people on the ground, were killed when the plane crashed in a residential neighborhood in New York.

**2003  
TURKISH AIRLINES  
FLIGHT 634**

Clifford Law Offices represented the wife of the only American on board Flight 634. The plane crashed in thick fog as it approached Diyarbakir Airport in Turkey.

**2005  
SOUTHWEST AIRLINES  
FLIGHT 1248**

Clifford Law Offices represented a family who was struck by a Boeing 737 that skidded off of a Chicago Midway Airport runway during a snowstorm. The family was traveling in their car when the plane crashed through the barrier wall and collided with their vehicle. The collision resulted in injuries to several family members and the death of their 6-year-old child.

**2006  
COMAIR  
FLIGHT 5191**

A crew on an early morning flight, from Lexington, Kentucky's Blue Grass

Airport, violated the sterile cockpit rule when they weren't paying close attention and used a runway that was too short and under construction. Air traffic control violations led to the deaths of 47 passengers and two crew members. Clifford Law Offices represented five families including the only Canadian passenger on board.

**2009  
CONTINENTAL CONNECTION  
FLIGHT 3407**

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. 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 a number of families who lost loved ones.

**2009  
TURKISH AIRLINES  
FLIGHT 1951**

Nine people were killed when Flight TK1951 crashed into a muddy field in Amsterdam. The aircraft broke into three pieces on impact, scattering debris. The aircraft stalled as a result of a faulty radio altimeter and the crew failed to recognize the aircraft was losing speed. Clifford Law Offices represented numerous individuals injured in the crash.

**2011  
CARIBBEAN AIRLINES  
FLIGHT 523**

In the early morning hours of July 30, 2011, Caribbean Airlines Flight 523, a Boeing 737, crash-landed in Guyana. Clifford Law Offices represented five individuals who were injured on the international flight in cases filed under the Montreal Convention in The United States District Court for the Eastern District of New York.

**2013  
ASIANA  
FLIGHT 214**

Pilot mismanagement was one of the

major causes of Asiana Flight 214 that crashed at San Francisco International Airport. The crash left three people dead and nearly 200 more injured. The Boeing 777 aircraft's tail struck a seawall and was ripped off upon its approach to land, causing the plane to slide and spin down the runway before a fire erupted. The passenger flight had taken off from Incheon International Airport in Seoul, South Korea, and crashed on its final approach to the runway.

**2014  
MALAYSIA AIRLINES  
FLIGHT 370**

A Boeing 777 on its way to Beijing from Kuala Lumpur International Airport suddenly disappeared from all air traffic control radar over the South China Sea about an hour into the flight. The search for the wreckage was called off following a three-year underwater multinational investigation. In July 2011, it is believed that several pieces of the missing jet were found on an island in the southern Indian Ocean. Clifford Law Offices represented two permanent U.S. residents who were passengers on that flight and left behind two minor children.

**2016  
AMERICAN AIRLINES  
FLIGHT 383**

The Boeing 767 heading to Miami erupted and became a ball of fire and smoke as it attempted to take off on Chicago O'Hare Airport's Runway 28R. The GE disk in the right engine failed. The crew aborted takeoff and an emergency evacuation of all 161 passengers and crew members was ordered. More than 20 passengers were taken to Chicago area hospitals. Clifford Law Offices represents numerous passengers aboard that flight who suffered permanent mental and emotional distress in addition to their physical injuries.

**2018  
AEROMEXICO/AEROLITEROL  
FLIGHT 2431**

The flight crashed immediately after takeoff from Durango, Mexico, during severe storm and wind conditions.

Clifford Law Offices represents numerous passengers who were bound for the Chicagoland area. The aircraft crashed because the carrier and crew failed to properly account for changing weather conditions, including the potential for wind shear, and permitted an unauthorized and inexperienced crewmember to be at the controls during takeoff.

**2018  
SOUTHWEST AIRLINES  
FLIGHT 1380**

Clifford Law Offices represents a victim of Southwest Airlines Flight 1380 that had to make an emergency landing as a result of the catastrophic failure of fan blades and other engine component parts on April 17, 2018. A window on the Boeing 737-700 was shattered by engine debris, causing rapid depressurization and resulting in one death and injuries to numerous other passengers.

**2019  
ETHIOPIAN AIRLINES  
FLIGHT 302**

Clifford Law Offices has been retained by nearly 72 families who lost loved ones in the crash of a Boeing 737 Max 8 aircraft that crashed en route from Ethiopia to Kenya on March 10, 2019. All 157 on board were killed when the plane crashed shortly after takeoff.

**2022  
UNITED AIRLINES  
FLIGHT 328**

Clifford Law Offices filed lawsuits in Illinois in 2021 against United Airlines on behalf of 19 individuals who suffered significant trauma on board a flight that experienced a complete loss of power in one engine while traveling from Denver to Hawaii on February 20, 2021. United Airlines Flight 328 was en route to Honolulu when four minutes after takeoff an explosion occurred, and the right engine was engulfed in flames. Pilots were forced to turn back to Denver as passengers witnessed the plane on fire on the right side of the wing and the debris from the failed engine was falling to the ground. Many thought it was their last moments of life.



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, did 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 in a transcript provided by the NTSB, "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 and brought to light the sad realities of the regional commuter airline industry: inexperienced, poorly trained and fatigued pilots; startlingly 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; 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 claimed to have established between regional and major air carriers clearly was not there. Colgan Air, its management, its airplanes and its pilots appear to be on a low-budget, entry-level operation compared to Continental Airlines, the major airline whose livery was 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 be 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 treasured family members' 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.

# CONTINENTAL CONNECTION FLIGHT 3407/COLGAN AIR

CRASHED: FEBRUARY 12, 2009  
IN CLARENCE CENTER NEAR BUFFALO, NEW YORK



## COMAIR FLIGHT 5191

CRASHED ON RUNWAY: AUGUST 27, 2006  
IN LEXINGTON, KENTUCKY

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

Had they paid 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. 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 the victims just days after the crash, but some thought they could do more. Three adult children lost their mother and 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 mistake that should have been unfolding before his eyes and ended up tragically killing the innocent passengers. 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 experienced problems. Unable to land after a long struggle to gain and keep control of the aircraft, 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 which 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 American Airlines. 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 operating 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.



# 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 clip 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 passengers 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 completely changed. 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 the verdict, a record amount at that time 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. 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.



# TURKISH AIRLINES FLIGHT 1951 CRASHED SHORT OF RUNWAY: FEBRUARY 25, 2009 IN SCHIPHOL AIRPORT, AMSTERDAM, THE NETHERLANDS

Turkish Airlines Flight 1951 was en route from Istanbul, Turkey, to Amsterdam's Schiphol Airport on February 25, 2009. The Boeing 737-800 was carrying 127 passengers, four of them Americans. Seven crew members, including three pilots, also were on the journey that seemed uneventful until the final minutes. As the aircraft descended for landing on Runway 18R at approximately 1,950 feet, a faulty radio altimeter gave a wrong reading, which in turn caused the autothrottle to decrease because the faulty altimeter was telling the autopilot/autothrottle that the aircraft was at a lower altitude, and the engine power decreased to idle during the approach. The autothrottle system automatically adjusts the engine power throughout the flight.

The crew did not notice that the throttle had automatically gone to idle until it was too late to increase the thrust and take the appropriate corrective action to recover the aircraft and avoid a stall. The aircraft reached a critically low speed and stalled and crashed on muddy farmland short of the runway.

Miraculously, a fire did not erupt, but nine people were killed, including several Americans, and dozens more were seriously injured. Three pilots were among those killed, crushed by a panel that slammed through the cockpit. Clifford Law Offices represented 19 of the victims and their families.

The United States National Transportation Safety Board and Federal Aviation Administration dispatched investigators to assist the Dutch Safety Board in the investigation regarding the probable cause of the crash. The airplane's digital flight data recorder and cockpit voice recorder were recovered.

Due to confusing instructions from the Schiphol Control Center, ambulances and rescue crews were dispatched to an inaccurate location, resulting in a 30-minute delay before emergency services reached the crash site. Helicopters arrived 55 minutes after the crash when it could have taken 10 minutes

for airlift rescuers to arrive. Despite 82 ambulances being at the crash site, surrounding hospitals were not properly alerted to the tragedy and personnel had no idea that a plane had crashed.

As a result of this tragic crash, the aircraft manufacturer, Boeing, issued a bulletin to remind pilots of all 737 aircraft of the importance of monitoring airspeed and altitude, further advising against the use of autopilot and autothrottle when landing in cases of radio altimeter discrepancies. But, in a *New York Times* article published on January 20, 2020, which examined what caused this plane to plummet into a field found that Boeing also was responsible for the crash ("*How Boeing's Responsibility in a Deadly Crash 'Got Buried,'*" by Chris Hamby). In a lengthy story, the reporter stated that, "Decisions by Boeing, including risky design choices and faulty safety assessments, also contributed to the accident on the Turkish Airlines flight. But the Dutch Safety Board either excluded or played down criticisms of the manufacturer in its final report after pushback from a team of Americans that included Boeing and federal safety officials, documents and interviews show."

The story goes on to compare whether the mistakes of the Turkish crash led to the same problems of the Boeing planes in the Boeing 737 Max aircraft. "A review by *The New York Times* of evidence from the 2009 accident, some of it previously confidential, reveals striking parallels with the recent crashes – and resistance by the team of Americans to a full airing of findings that later proved relevant to the Max," the reporter wrote. "In the 2009 and Max accidents, for example, the failure of a single sensor caused systems to misfire, with catastrophic results, and Boeing had not provided pilots with information that could have helped them react to the malfunction. The muted criticism of Boeing after the 2009 accident fits within a broader pattern, brought to light since the Max tragedies, of the company benefiting from a light-touch approach by safety officials."



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