

**IN THE CIRCUIT COURT OF COOK COUNTY ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

| | | |
|-----------------------|---|---|
| JOSEPH MCGINLEY |) | |
| |) | |
| Plaintiff, |) | |
| |) | No.: |
| v. |) | |
| |) | <i>Plaintiff Demands Trial by Jury</i> |
| UNITED AIRLINES, INC. |) | |

COMPLAINT AT LAW

NOW COMES Plaintiff, JOSEPH MCGINLEY, by and through his attorneys, CLIFFORD LAW OFFICES, P.C., for his complaint against Defendant, UNITED AIRLINES, INC., and states as follows:

PARTIES AND JURISDICTION

1. Plaintiff, JOSEPH MCGINLEY, currently, and at all relevant times mentioned herein, resides in Honolulu, Hawaii.
2. Defendant, UNITED AIRLINES, INC., is a commercial airline incorporated in Illinois, which maintains its headquarters in Chicago, Illinois and which conducts substantial business in Illinois, with its registered agent located at 208 South LaSalle St., Suite 814, Chicago, County of Cook, State of Illinois.
3. Venue is appropriate in Cook County, Illinois, because Defendant, UNITED AIRLINES, INC. is a resident of Cook County, Illinois.

COUNT I – NEGLIGENCE – UNITED AIRLINES, INC.

4. On and before February 20, 2021, and at all times relevant herein, a certain Boeing 777-222 aircraft, registration no. N772UA (hereinafter “the subject aircraft”), was owned, operated, managed, maintained and controlled by Defendant UNITED AIRLINES, INC.

5. On and before February 20, 2021, and at all times mentioned herein, Defendant, UNITED AIRLINES, INC., was a commercial passenger air carrier for hire.

5. On February 20, 2021, Defendant UNITED AIRLINES, INC. operated the subject aircraft as United Flight 328 from Denver International Airport (DEN) in Denver, Colorado to Daniel K. Inouye International Airport (HNL) in Honolulu, Hawaii.

6. On February 20, 2021, the subject aircraft being operated by Defendant, UNITED AIRLINES, INC. departed Denver International Airport (DEN) at approximately 13:04 MST from Runway 25.

7. On February 20, 2021, Plaintiff, JOSEPH MCGINLEY, was a passenger on board United Flight 328.

8. On February 20, 2021, at approximately 13:09 MST, the subject aircraft experienced a failure of the right engine, while climbing through an altitude of approximately 12,500 feet mean sea level.

9. On and before February 20, 2021, and at all times mentioned herein, Defendant, UNITED AIRLINES, INC., as a common carrier for hire/commercial air carrier, owed Plaintiff JOSPEH MCGINLEY and others similarly situated, the highest duty of care.

10. On and before February 20, 2021, and at all times mentioned herein, Defendant, UNITED AIRLINES, INC., breached its duty of care owed to the Plaintiff and others similarly situated through one or more of the following negligent acts and/or omissions:

- (a) Did not provide a safe aircraft;
- (b) Did not provide a properly maintained, serviced, and inspected aircraft for the flight;
- (c) Did not adequately and properly inspect, maintain, and service the subject aircraft's engines, including, but not limited to, the fan blades and other component parts;

- (d) Did not adequately and properly instruct and train its aircraft service personnel regarding the inspection, maintenance, and service of the subject aircraft's engines;
- (e) Was otherwise negligent.

11. On February 20, 2021, as a direct and proximate result of one or more of the aforesaid negligent acts and/or omissions of Defendant, UNITED AIRLINES, INC., the engine on the right side of the subject aircraft experienced a failure and explosion while the aircraft was in flight, forcing an emergency landing.

12. As a direct and proximate result of the aforesaid engine failure and explosion, Plaintiff, JOSEPH MCGINLEY suffered, and continues to suffer, personal, emotional, and pecuniary injuries.

WHEREFORE, Plaintiff, JOSEPH MCGINLEY, through his undersigned counsel, demands judgment against Defendant, UNITED AIRLINES, INC. for an amount in excess of the jurisdictional limit of Fifty Thousand Dollars (\$50,000.00), together with costs and any other damages permitted by the law and facts of this case.

_____/s/ Charles R. Haskins_____
Attorney for Plaintiff

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