

FILED
4/28/2021 9:11 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2021L004330

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

ROBERT BROWN AND FRANCES BROWN,)
)
Plaintiffs,)
)
v.)
)
UNITED AIRLINES, INC.)
)
Defendants,)

No.:

Plaintiff Demands Trial by Jury

COMPLAINT AT LAW

NOW COME Plaintiffs, ROBERT BROWN AND FRANCES BROWN, by and through their attorneys, CLIFFORD LAW OFFICES, P.C., and for their complaint against Defendant, UNITED AIRLINES, INC., state as follows:

COUNT I – ROBERT BROWN

PARTIES AND JURISDICTION

1. Plaintiff, ROBERT BROWN, currently, and at all relevant times mentioned herein, resides in Denver, Colorado.
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.

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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.

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

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

8. On February 20, 2021, Plaintiff, ROBERT BROWN, was a passenger on board United Flight 328.

9. 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.

10. 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 ROBERT BROWN and others similarly situated, the highest duty of care.

11. 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 appropriately instruct and train its aircraft service personnel regarding proper inspection, maintenance, and service of the subject aircraft's engines;
- (e) Was otherwise negligent.

12. 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 of various component parts, including fractures of fan blades, causing an engine fire and an uncommanded shutdown of the engine while the aircraft was in flight, forcing an emergency landing.

13. As a direct and proximate result of the aforesaid engine failure and fire, Plaintiff, ROBERT BROWN, suffered, and continues to suffer, personal, emotional, and pecuniary injuries.

WHEREFORE, Plaintiff, ROBERT BROWN, 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.

COUNT II – FRANCES BROWN

PARTIES AND JURISDICTION

1. Plaintiff, FRANCES BROWN, currently, and at all relevant times mentioned herein, resides in Denver, Colorado.

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.

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.

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

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

8. On February 20, 2021, Plaintiff, FRANCES BROWN, was a passenger on board United Flight 328.

9. 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.

10. 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 FRANCES BROWN and others similarly situated, the highest duty of care.

11. 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 appropriately instruct and train its aircraft service personnel regarding proper inspection, maintenance, and service of the subject aircraft's engines;
- (e) Was otherwise negligent.

12. 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 of various component parts, including fractures of fan blades, causing an engine fire and an uncommanded shutdown of the engine while the aircraft was in flight, forcing an emergency landing.

13. As a direct and proximate result of the aforesaid engine failure and fire, Plaintiff, FRANCES BROWN, suffered, and continues to suffer, personal, emotional, and pecuniary injuries.

WHEREFORE, Plaintiff, FRANCES BROWN, through her 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/ Richard F. Burke, Jr.
One of the Attorneys for Plaintiffs

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