

VERDICTS & SETTLEMENTS

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FATAL PLANE CRASH-FAULTY FUEL LINES; FAILURE TO CONDUCT CRASH TESTS - JURY VERDICT:

On October 25, 1989, Vincent Abeyta, 39, his 15-year-old son, Steven, and his brother Teddy Abeyta, 41, paid \$20.00 each to go for an airplane ride in a 1974 Cessna T-210L. The ride started at an airport in Los Alamos, New Mexico. It was planned that they would fly over Penasco, the Abeyta's hometown, and then over the Pecos Wilderness. As the pilot, Hal Kissinger, flew the airplane over the mountains towards the Pecos Wilderness, he testified he experienced a down draft. The plane flew through approximately 39 trees and crashed into the mountain. As a result of the crash, the only injuries sustained were lower back compression fractures to Hal Kissinger and Vincent Abeyta. As a result of the crash, the fuel system of the Cessna T-210L failed and there was a post-crash fire. Teddy and Steven Abeyta were burned alive and Vincent Abeyta sustained burns over approximately 30% of his body, including face and right side. Plaintiffs presented testimony that fuel lines running under the cabin and a reservoir tank failed, thus feeding an immediate post-crash fire in the cabin.

The defendant, Cessna, contended the post-crash fire resulted from the right wing tank being obliterated by a tree as the plane came through the forest. Plaintiffs argued that fuel release from the right wing did not contribute to the fire.

Testimony presented at trial of Cessna's design engineer, Harry McCarter, established that Cessna did not consider or evaluate how or under what circumstances the fuel system would break in a crash nor did Cessna conduct any crash test to evaluate the circumstances under which its fuel lines, fittings or tanks would fail in a crash. Plaintiffs proved that crash-resistant fuel system technology was available in the late 1960's and was incorporated by the Army into its helicopters with dramatic life-saving results. Plaintiffs further proved Cessna tested the application of this technology to fixed-wing aircraft on contract to Goodyear with a T-41B military trainer. Cessna tested and certified the airworthiness of the T-41B with crash-resistant fuel cells and breakaway self-sealing fittings. Cessna did not make any information from that program available to the design engineer, Harry McCarter, and none of the crash-resistant technology was incorporated into the T-210L.

Defendant Cessna contended through extensive expert testimony that the in-cabin fuel lines and fittings did not fail in the accident, but rather were consumed by the post-crash fire, that breakaway fittings are not reliable; that breakaway fittings cannot meet certification requirements of the FAA; that breakaway fittings cause a pressure drop which is unacceptable in fuel lines, and that the fuel lines, fittings and reservoir tank were sufficiently crash resistant to withstand the forces of impact in this accident.

After a three-week jury trial, the jury returned a verdict finding Cessna 25% at fault and the pilot, Hal Kissinger, 75% at fault. The jury awarded substantial damages.



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(Abeyta. et al. vs. Cessna. et al., Eighth Judicial District Court, County of Taos, New Mexico, Case No.91-284- CV.) Plaintiffs were represented by John C. Cabaniss of Cunningham, Lyons & Cabaniss, S.C., Milwaukee.