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\$115M awarded for Afghanistan plane crash

Cook County jury enters verdict late Thursday; two airmen represented by Chicago law firm

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A Cook County jury laston Thursday night awarded a \$115.75 million verdict to the families of three flight crew members who were killed when the cargo plane crashed at the Bagram Airfield in Afghanistan.

The plaintiffs filed wrongful death complaints against National Air Cargo Inc. and affiliated company National Airlines after a Boeing 747-400 it operated crashed, killing all seven crew members aboard.

The plane was carrying five armored vehicles.

The plaintiffs alleged National Air was responsible for the April 29, 2013, crash, which was captured on a dashboard video that went viral.

They alleged Boeing manuals showed the plane could only haul one of the five vehicles at most and that the vehicles were not tied down with the required number of straps.

Following a 13-day trial, at about 9 p.m. Thursday, a jury awarded \$47.25 million to the estate of flight captain Brad Hasler, which had originally been a \$54 million verdict but was reduced due to contributory negligence attributed to him.

The estate of first officer Jamie L. Brokaw was awarded \$43 million and \$25.5 million was awarded to the estate of Jeremy P. Lipka, an off-duty pilot who was in the cockpit. They were all from Michigan.

"The jury's verdict sent a message that our society still values human life and safety over the pursuit of increased corporate profit," said Donald J. Nolan of Nolan Law Group in a news release.

Nolan and his colleague Thomas P. Routh represented the estates of Brokaw and Lipka.

Hasler's estate was represented by David Katzman and Bruce Lampert of Katzman Lampert & McClune in Troy, Mich.

"We're very pleased with the result," Katzman said.

The crash happened after a Boeing 747-400 converted freighter was loaded with five mine-resistant, armor-protected vehicles owned by the Marine Corps at Camp Bastion, Afghanistan, and headed to Bagram en route to Dubai World Airport where the vehicles were set to be loaded onto a ship. They eventually were set to be transported to Yermo, Calif.

Shortly after the plane took off from the Bagram, where it had stopped to refuel, it stalled, took a sharp dive toward the ground, crashed and exploded.

The plaintiffs alleged at least one of the 18-ton vehicles broke away from its restraints, pushing a smaller vehicle through the back bulkhead of the plane and cutting two hydraulic system lines and causing other extensive damage.

According to information from the Nolan Law Group, two "black box" recorders were damaged when the vehicles shifted.

Information from the boxes showed they stopped recording when the plane was 33 feet above ground, at which time the plaintiffs alleged the plane nosed up and entered an aerodynamic stall before it fell to the ground.

According to the release from Nolan Law Group, the U.S. Department of Defense had a multi-modal contract with National Airlines to move military equipment from Afghanistan to the United States.



Dashboard camera footage shows a National Air Cargo Boeing 747 freighter crashing at Bagram Airfield, Afghanistan, on April 29, 2013, killing seven crew members. On Thursday, a Cook County jury awarded more than \$115 million to the estates of three crew members. Photo from National Transportation Safety Board crash records

National Airlines had a joint venture with National Air Cargo Inc., based in New York, and National Air Cargo Middle East FZE in Dubai, United Arab Emirates, to perform the work under the contract.

Of the five armored vehicles loaded on the plane, two of them weighed 12 tons and three were 18 tons. The plaintiffs argued the Boeing plane manual and the manual from Telair International, which was the manufacturer of the cargo handling system used to tie the vehicles down, showed that no more than one of the 12-ton vehicles could be safely transported on the plane.

They further alleged there were not nearly enough straps used to tie down the vehicles and that the straps that were used were in poor condition.

The jury ruled in favor of the plaintiffs on counts of wrongful death and predeath damages.

The verdict amounts included

\$5 million each "for the shock and fright each of the men experienced from the time of takeoff until the time of the airplane's impact with the ground," the Nolan firm's release states.

The suit was filed in Cook County because The Boeing Co. was originally named as a defendant. Boeing and AAR International/Telair International, which were also previously named as defendants, settled before trial, according to information from Nolan Law Group.

Mark A. Dombroff, a Dentons partner based out of Washington, D.C., who represented National Air, declined to comment.

The case was tried before Circuit Judge Lorna E. Propes.

The three consolidated cases were *Elizabeth Brokaw v. National Air Cargo, Inc.*, 13 L 9650; *William Thompson v. National Air Cargo, Inc.*, 13 L 9651; and *Robin D. Hasler, et al., v. National Air Cargo, Inc.*, 14 L 8696.