

\$21,437,000

Aviation Accident  
**NEGLIGENT MAINTENANCE**

**FACTS:** The Navy was transporting various personnel to Edwards Air Force Base in a Mitsubishi MU-2 twin turbo prop aircraft. The MU-2 aircraft was leased by the Navy from Defendant Flight International. The lease agreement required Flight International to also provide maintenance on the aircraft. Navy pilot Lt. David Garnett was assigned to fly the aircraft. The plane was occupied by a crew of two with seven passengers. Approximately ten minutes into the flight, Lt. Garnett reported to the Edwards Tower that he was 15 miles northeast of the field for landing. Post-accident analysis revealed that when Lt. Garnett made this report, he was actually 8 miles northeast of the field. After several unsuccessful attempts to contact the Edwards Air Force Base Control Tower, Lt. Garnett executed a 360 right turn. The 360 degree turn, however placed the MU-2 directly in front of an F-16 fighter jet also on final approach to Edwards Air Force Base. Although the planes did not collide, the significant force of the wake turbulence generated by the F-16 caused Lt. Garnett to lose control of the MU-2 which crashed.

**CONTENTIONS:** Plaintiffs claimed the lessor of the aircraft, Defendant Flight International, failed to properly maintain the aircraft, particularly the Distance Measuring Equipment and Lt. Garnett misreported his distance while relying on the inaccurate Distance Measuring Equipment (DME). Defendant argued this flight occurred during daytime, visual flight rules; Lt. Garnett was not relying on the Distance Measuring Equipment; and, pilot error was the sole cause of this accident.

**INJURIES:** Desrosiers: Traumatic head injuries resulting in cognitive deficits and loss of earning capacity. Rodriguez: Death, age 21; survived by a 6 year-old son.

**ADDITIONAL INFORMATION:** The judgment was upheld by the Ninth Circuit Court of Appeal. See, 156 F.3d 952.

**DESROSIERS v. FLIGHT INTERNATIONAL, et al.**  
**CASE NUMBER:** CVF 93 5707 OWW  
UNITED STATES DISTRICT COURT, FRESNO, CALIFORNIA