

THE OHIO TRIAL REPORTER

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Plane Manufacturer Settles Claim Arising From Deadly Crash

Trumbull County

Court of Common Pleas – Warren

Case Caption:

Milisa K. Rizer, Administrator of the Estate of Franklin M. Rizer MD. v. Mooney Airplace Corp., et al.

Settlement: \$15,000,000

Judge: Andrew D. Logan

Settlement Date: 2/2008

Attorneys- Plaintiff:

James R. Lebovitz, Cleveland
Charles L. Richards, Warren

Attorneys- Defendant:

Paul V. Herbers, Kansas City, MO
James E. Ramsey, Kansas City, MO
Darrell A. Clay, Cleveland

Facts: The Estate of a pilot whose plane crashed in a residential area alleged the craft's manufacturer was to blame for the fatal accident. Defendant maintained the pilot made errors that resulted in the fatal crash. The parties reached a \$15,000,000 settlement after a two day mediation.

Plaintiff's decedent, Franklin Rizer, M.D., was a 49 year old otolaryngologist. He was the first Ohio surgeon to perform a cochlear ear implant and was renowned in his field.

He was piloting a single engine aircraft manufactured and designed by Defendants Mooney Aerospace Group, Honeywell International, Inc., Honeywell General Aviation Business Corp. and Honeywell Business. Defendant Winner Aviation provided various types of maintenance systems that operated the plane. Decedent, who was flying from Youngstown to Virginia, was on an instrument approach to Runway 17 at Leesburg Executive Airport on March 20, 2003. The plane crashed about 3/4 of a mile short of the runway in a heavily populated residential area in Vienna, VA. Reports indicated that the plane narrowly missed hitting a house. Decedent was killed in the crash. Garmin International, Inc. was dismissed from the case prior to mediation.

Plaintiff alleged the aircraft experienced catastrophic failure, including avionics and instrumentation failures, which caused the plane to crash and the failures were due to defects in the design and/or manufacture of the plane.

Defendants denied negligence and contended the plane crashed due to a fatal pilot error.

Plaintiff Profile: Plaintiff's decedent was a 49 year old married male employed as an otolaryngologist.

Alleged Injury: Blunt force trauma resulting in death. Plaintiff's decedent was survived by his wife.

Case Number: 2005-CV-00653

Editor's Notes: Information for this summary was obtained from other published sources as the attorneys were prohibited from discussing the case due to a confidentiality agreement. This story originally published on page 33 of The Ohio Trial Reporter Volume 23, Issue 2.



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