

## "\$110 Million Accord Told in American Eagle Plane Crash"

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Families of 27 people killed three years ago when an American Eagle flight slammed into an Indiana farm field settled their lawsuits Monday with the airline and manufacturers of the airplane for approximately \$110 million.

"We are terribly sorry that this happened," American Airlines attorney Anton Valukas of Jenner & Block said as the settlement was announced in the courtroom. "We can never compensate you for the loss that you have suffered."

In an unusual move, the plaintiffs in this case pledged to stay together as a bloc until all remaining liability and damages claims were settled. Robert A. Clifford of the Clifford Law Offices and Thomas A. Demetrio of Corboy & Demetrio headed the team of plaintiff lawyers.

Clifford said he was "very pleased" with the terms of the settlement. "This is a home run for the people."

Under the terms of the agreement, exact amounts for individual plaintiffs are confidential.

The settlement covers the deaths of 27 people of the 68 on board. An additional two lawsuits over the deaths of six people are still in negotiations over the amount of monetary awards.

The families of the remaining 35 victims agreed to damages-only trials; court-ordered settlement discussions are to begin within 30 days, Clifford said.

The settlement was reached just one week after the trial had started in federal court here before U.S. District Judge Ruben Castillo. Chief U.S. District Judge Marvin E. Aspen assisted in the round-the-clock settlement discussions, which were initiated by the defendants and

### Attorneys

- Thomas A. Demetrio

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began on Thursday, Clifford said.

Castillo announced the settlement agreement in court Monday at about noon, shortly before opening arguments were slated to begin. The jury was selected last week.

Defendants include American Airlines, Simmons Airlines, American Eagle and Avions de Transport Regional G.I.E. (ATR), the French manufacturer of the aircraft.

Lawyers for the defendants have denied liability in the accident.

"It was very fair," Kim Collins, 36, of Pittsburgh said of the settlement. Her sister, Sandi Modaff, was a flight attendant on the plane. "This is a sad day. It brought all that back."

American Eagle Flight 4184, bound from Indianapolis to O'Hare International Airport, was in a holding pattern in a freezing rain the evening of Oct. 31, 1994, when it suddenly rolled and plunged to the ground near Roselawn, Ind. All 68 people aboard the French-built ATR-72 turboprop died.

The crash led the National Transportation Safety Board in 1996 to urge tighter regulations on flights by commuter aircraft in icing conditions.

The NTSB said the flight's crew was not responsible.

It issued a report blaming French aviation authorities and the makers of the aircraft, and said the Federal Aviation Administration failed to exert proper authority over the aircraft's maker.

The board concluded that ATR failed to adequately report previous problems encountered by its planes in icy conditions.

It also blamed the French Directorate General for Civil Aviation for failing to oversee the manufacturer and to inform the FAA about the airworthiness of the ATR planes in icy conditions as specified by international agreements.

The plaintiffs' legal team also included Kevin Durkin, a partner at the Clifford Law Offices; James Crouse of Speiser, Krause, Madole & Lear, and Chicago sole practitioner Donald J. Nolan.

The case is *In re Air Crash Disaster, Near Roselawn, Ind., on Oct. 31, 1994*, No. 95 C 4593.

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