

Single Settlement Record Of \$25.2 Million Reached In 1994 Boeing / US Airways Crash

November 3, 1999

Settlements totaling over \$48 million, including one for over \$25 million, were reached today in four of the final five local cases stemming from the crash of Boeing-manufactured U.S. Air Flight #427 outside Pittsburgh on September 8, 1994. The Chief Judge of the Cook County Circuit Court, Donald P. O'Connell, presided over two days of marathon negotiations. The cases were set to go to trial today.

One of today's settlements involved the case of Brett Van Bortel, a Chicago resident, whose wife, Joan, died in the crash. A second case was brought by the family of Marshall Berkman, a Pittsburgh businessman. Mr. Van Bortel's case settled for \$6 million while Mr. Berkman's case settled for \$25.2 million, according to their attorney and lead plaintiffs' counsel, Thomas A. Demetrio of the law firm Corboy & Demetrio.

The settlement for Mr. Berkman is the highest ever negotiated in a wrongful death case involving commercial aviation.

The former record was a \$25 million settlement, negotiated by Philip H. Corboy for the family of a victim in the crash of United Airline Flight #232 in Sioux City, Iowa in 1989.

Two other suits were also settled today. A case filed on behalf of Denise Jenkins of West Virginia was settled for \$11.5 million, according to Todd Smith of the Chicago law firm of Power, Rogers & Smith. The final suit settled today was filed by Cleveland attorney Jamie R. Lebovitz of the Nurenberg, Plevin law firm on behalf of Patricia Harris Offley of Massachusetts and resolved for an undisclosed sum.

Attorneys

- Thomas A. Demetrio

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According to Demetrio, all 132 people on board the Boeing-737 aircraft died when the plane, which had taken off from Chicago, plunged from the sky as pilots were making final preparations to land at the Greater Pittsburgh Airport. A National Transportation Safety Board investigation determined that "rudder reversal" caused the crash when a malfunctioning valve deflected the rudder in a direction opposite to the pilot's command. The deflection caused the pilots to lose control of the airplane and it plummeted from an altitude of 6000 feet at 300 miles per hour, crashing into a ravine and bursting into flames. Boeing officials tried to blame the crash on pilot error during the five year NTSB investigation. A total of 84 lawsuits were brought in state and federal court. The defendants in each of the suits settled today were The Boeing Corporation, US Air, Inc., and Parker-Hannifin, the manufacturer of the malfunctioning valve.

Joan Van Bortel, 30 years old at the time of the crash, was on a one day business trip to Pittsburgh as a marketing manager for her employer, Akzo Nobel Chemicals in Willowbrook, Illinois. She and her husband Brett lived in Lisle at the time of the crash.

Marshall Berkman, 58, of Pittsburgh, was also on a business trip. The CEO and chairman of a major manufacturing concern, Berkman left behind a wife and three children.

Denise Jenkins, 28, was also flying on business, as an engineering representative for Sterling Faucet of Morgantown, West Virginia. She is survived by husband, Christopher, 35, and sons Shane, 12, and Jeremy, 11.