

Lawsuit Filed in Crash of TWA Flight 800

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A Chicago family whose father was a passenger in the ill-fated Trans World Airlines Flight 800 that crashed off the coast of Long Island last year has filed a wrongful death lawsuit against TWA and The Boeing Co. The Paris, France-bound Boeing 747 had just taken off from New York's JFK International Airport when an explosion in the aircraft's center fuel tank caused the plane to break apart in mid-air.

Francis Patrick Murphy of Chicago's Corboy & Demetrio filed the suit today in federal district court in Chicago on behalf of the family of Harry Rhoads III, who was killed in the July, 1996, crash. The 13-count complaint alleges that TWA and Boeing are guilty of both negligence and wilful and wanton conduct in connection with the crash. His children--Tiffany Rhoads Olson, Matthew Rhoads and Aurora Bray--are seeking compensatory damages, as well as punitive damages, Mr. Murphy says. "The credible evidence will prove that this explosion was not a terrorist bomb or a military missile, but a preventable occurrence that could have been avoided," he adds.

Airline records indicate that Boeing sold the 747 to TWA in 1971, Mr. Murphy says. In the mid-1970s the aircraft was bought from TWA by Iran, which sold it back to TWA several years later, according to the lawsuit. The suit alleges that the plane, which had a service life of 60,000 hours but in fact had operated about 101,000 hours, was not in airworthy condition at the time of the crash, that it should not have been used to carry passengers and that it should have been retired.

The suit also contends that TWA failed to properly and adequately maintain the aircraft and that it failed to install a system to keep fuel vapors from building up in the center fuel tank even though it knew or should have known that vapors would ignite and cause an explosion. TWA also failed to have necessary fire suppression equipment in the center fuel tank, the lawsuit says.

Attorneys

- Francis Patrick Murphy

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In the counts against Boeing, the lawsuit says that the airplane manufacturer failed to properly and adequately design, test, service, maintain and repair the 747, including the plane's center fuel tank, when it knew or should have known that the tank was subject to build-up of fuel vapors that could explode. The suit also says that Boeing failed to design and incorporate within the center fuel tank a system that would have prevented such a build-up of fuel vapors and that it failed to warn that the fuel vapors in the center fuel tank were susceptible to explosion from static electricity.

Alleging strict product liability against Boeing, the lawsuit says that the 747 was in a defective and unreasonably dangerous condition. It says that while Boeing expressly and/or impliedly warranted and represented that the 747, including its instructions and warnings, was airworthy, of merchantable quality, fit, safe and free from all defects, in fact it was not.

"Scott, as Mr. Rhoads was called, was headed to Paris for a vacation with his wife, Marit Rhoads, who was working as a flight attendant. Scott was a successful, charismatic high-school football coach and teacher who was loved by all his students for years," Murphy says, adding, "but no one loved him more than his children."

Corboy & Demetrio currently represents the families of victims in more than 80 cases involving commercial airplane disasters.