



Source: CIAA

## Estates Sue Over Fatal Crash of Gulfstream IV Aircraft

### Ground spoilers failed to retract causing aircraft to crash on take-off.

The estates of the late Debbie Jimenez Garcia and her son, Jesiel Silva Jimenez, filed suit in the United States District Court in the Middle District of Florida against Helidosa Aviation Group SA, an on-demand aircraft charter operator based in the Dominican Republic. The company's Gulfstream IV jet crashed on December 15, 2021, shortly after take-off from the Dominican Republic enroute to Orlando, Florida, resulting in the death of two pilots, one flight attendant, and six passengers including Debbie (age 31) and Jesiel (age 13). The action was brought by Searcy Denney attorney **Mariano Garcia** on behalf of Debbie's parents and Jesiel's father. The family asked Searcy Denney to represent them in seeking accountability for the tragic accident.

Aircraft charter flights are considered "international carriage" within the meaning of the Montreal Convention, an international treaty that governs flights between countries that are parties to that treaty, including the United States and the Dominican Republic. Although incorporated under the laws of the Dominican Republic, Helidosa engaged in substantial business in the United States. The suits were brought in the Middle District of Florida which has jurisdiction over Orlando International Airport, the destination of that flight.

On the day of the crash, the Gulfstream IV had just arrived from Puerto Rico. Upon arrival, the jet's crew reported problems with the ground spoilers – flaps extending up from the top of the wing to slow the aircraft after landing. The jet was taken to Helidosa's hangar where ground spoiler actuators were replaced. The jet was then returned to service to complete the flight to Orlando.

After all passengers boarded, the crew performed its pre-flight check. Ground spoilers on both wings were extended, but only those on the left wing retracted. Ground spoilers remaining extended during take-off creates a dangerous condition which negatively impacts the ability of the aircraft to fly. The flight crew did not request a correction, and the aircraft taxied for departure with the three right wing ground spoilers extended. **See photo above.**

Upon take-off, the aircraft immediately experienced control problems. The flight crew declared an emergency and requested vectors back to the airport. As the situation deteriorated, the crew tried to divert to a nearby airport with a longer runway. In the attempt to make an emergency landing, the Gulfstream struck the ground and was destroyed.

The crash investigation revealed that the ground spoilers on the right wing were not functioning properly because the Helidosa mechanics had improperly replaced spoiler actuators during maintenance. Searcy Denney alleged various claims against Helidosa including failure to conduct air carriage operations in a safe manner; failure to perform flight safety checks; failure to properly train and supervise its flight crew; failure to properly maintain, repair, and test its flight equipment; failure to install ground spoilers and/or install defect-free ground spoilers; failure to hire competent mechanics; failure to hire competent crew or to conduct flight operations and implement adequate safety measures necessary to protect passengers from foreseeable dangers.

The tragic and preventable deaths of Debbie and Jesiel were due solely to Helidosa's negligence. Under the Montreal Convention, the plane crash constitutes an "accident" and, pursuant to Article 17, Helidosa is strictly liable for the bodily injury and death of passengers and crew. However, under the Montreal Convention compensation for their deaths is capped at 128,821 "special drawing rights" (SDRs). Such SDRs are currently equal to \$175,000. Pursuant to Article 21 of the treaty, that cap does not apply if Helidosa can prove that the deaths were not caused by its own negligence or were caused by the negligence of a third party. Searcy Denney contends that Helidosa cannot prove either of these exceptions apply. Therefore, Helidosa's liability is unlimited. Searcy Denney is seeking compensation to the fullest extent available under Florida's Wrongful Death Act.

The tragic and preventable deaths of Debbie and Jesiel have caused a massive loss to the surviving family. The legal action will continue and Searcy Denney will provide updated reports in future *Of Counsel* newsletters. ♦