





Administrator of the Estate of Lydia Silva, Deceased, Arlene Wilson, as Administrator of the Estates of RJM and DRM, Minor Children of Lydia Silva, Deceased, Carlos Rabanales, Individually and as Administrator of the Estate of Walfred Serafina Rabanales, Deceased, and as Administrator of the Estate of Luis Javier Rabanales, Deceased, Laura Rabanales, Individually, Daniel Rabanales, Individually, Josue Rabanales, Individually, José Miguel Tobar Castañeda, Individually, Paula Walfred López, Individually, Rubidia Etelvina Girón, Individually, and Jose Luis Rabanales Maldonado, Individually, Plaintiffs herein, complaining of Dallas Airmotive, Inc. and Pratt & Whitney Canada Corp., Defendants herein, and for cause of action would show the Court the following:

#### **DISCOVERY CONTROL PLAN**

1. Pursuant to Rule 190.1 of the Texas Rules of Civil Procedure, Plaintiffs intend to proceed with discovery under Level 3 as set forth in Rule 190.3.

#### **PARTIES**

2. Plaintiff Lee Odekirk is a citizen of Utah and is the duly appointed Personal Representative of the Estate of Cody Ray Odekirk, Deceased.

3. Plaintiff Lee Odekirk brings this action on behalf of and for the use and benefit of all persons entitled to recover for the death of Cody Ray Odekirk, Deceased and the Estate of Cody Ray Odekirk, Deceased.

4. At the time of his death, Cody Ray Odekirk was survived by Lee Odekirk, his natural mother, and Lloyd Odekirk his natural father. Plaintiff Lee Odekirk asserts claims on behalf of herself and Lloyd Odekirk in her capacity as Personal Representative of the Estate of Cody Ray Odekirk, Deceased.

5. Plaintiff Lloyd Odekirk is a citizen of Utah and sues in his individual capacity for the death of his son, Cody Ray Odekirk.

6. Plaintiff Pamela S. Reppe is a citizen of Illinois and is the duly appointed Administrator of the Estate of Jeffrey Ronald Reppe, Deceased.

7. Plaintiff Pamela S. Reppe brings this action on behalf of and for the use and benefit of all persons entitled to recover for the death of Jeffrey Ronald Reppe, Deceased and the Estate of Jeffrey Ronald Reppe, Deceased.

8. At the time of his death, Jeffrey Ronald Reppe was survived by Pamela S. Reppe, his natural mother, and Ronald W. Reppe his natural father. Plaintiff Pamela S. Reppe asserts claims on behalf of herself and Ronald W. Reppe in her capacity as Administrator of the Estate of Jeffrey Ronald Reppe, Deceased.

9. Plaintiff Ronald W. Reppe is a citizen of Illinois and sues in his individual capacity for the death of his son, Jeffrey Ronald Reppe.

10. Plaintiff Lisa Anne Carter is a citizen of Utah and is the duly appointed Personal Representative of the Estate of John Brian Carter, Deceased.

11. Plaintiff Lisa Anne Carter brings this action on behalf of and for the use and benefit of all persons entitled to recover for the death of John Brian Carter, Deceased and the Estate of John Brian Carter, Deceased.

12. At the time of his death, John Brian Carter was survived by Lisa Anne Carter, his spouse, EEC, AJC and AGC, his minor children, LuDene Carter, his natural mother, and Ivan Edward Carter his natural father. Plaintiff Lisa Anne Carter asserts claims on behalf of herself, EEC, AJC, AGC, LuDene Carter and Ivan Edward Carter in her capacity as Personal Representative of the Estate of John Brian Carter, Deceased.

13. Plaintiffs Ivan Edward Carter and LuDene Carter are citizens of Utah and sue in their individual capacities for the death of their son, John Brian Carter.
14. Plaintiff April Marie Jensen is a citizen of Minnesota and is the duly appointed co-trustee for the Estates of Roger Alan Jensen, Deceased, and Zachary Alan Jensen, Deceased.
15. Plaintiff April Marie Jensen brings this action in her individual capacity and on behalf of and for the use and benefit of all persons entitled to recover for the deaths of Roger Alan Jensen, Deceased and Zachary Alan Jensen, Deceased and the Estates of Roger Alan Jensen, Deceased and Zachary Alan Jensen, Deceased.
16. Plaintiffs Sherman Lee Jensen and Pauline Ruth Jensen are citizens of the state of Colorado and sue in their individual capacities for the death of their son, Roger Alan Jensen.
17. Plaintiff Sarah Marie Jensen is a citizen of Minnesota and sues in her individual capacity for the deaths of her father, Roger Alan Jensen and, if permitted under applicable law, her sibling, Zachary Alan Jensen.
18. Plaintiff Rebecca Lee Hill is a citizen of Wisconsin and sues in her individual capacity for the death of her father, Roger Alan Jensen.
19. Plaintiff April Marie Jensen sues in her individual capacity for the deaths of her spouse, Roger Alan Jensen and her son, Zachary Alan Jensen.
20. Plaintiff April Marie Jensen sues in her individual capacity for her severe personal injuries sustained in the subject crash.
21. Plaintiff Sarah Marie Jensen sues in her individual capacity for the severe personal injuries she sustained in the subject crash.
22. Plaintiff Christopher Milton Johnson is a citizen of Utah and is the duly appointed Personal Representative of the Estate of Lizabeth Valentiner Johnson, Deceased.

23. Plaintiff Christopher Milton Johnson brings this action on behalf of and for the use and benefit of all persons entitled to recover for the death of Lizabeth Valentiner Johnson, Deceased and the Estate of Lizabeth Valentiner Johnson, Deceased.
24. At the time of her death, Lizabeth Valentiner Johnson was survived by Christopher Milton Johnson, her spouse, AVJ, SRJ and AMJ, her minor children, Charlotte Valentiner, her natural mother, and Niels Erik Valentiner, her natural father. Plaintiff Christopher Milton Johnson asserts claims on behalf of himself, AVJ, SRJ, AMJ, Charlotte Valentiner and Niels Erik Valentiner in his capacity as Personal Representative of the Estate of Lizabeth Valentiner Johnson, Deceased.
25. Plaintiffs Niels Erik Valentiner and Charlotte Valentiner are citizens of Utah and sue in their individual capacities for the death of their daughter, Lizabeth Valentiner Johnson.
26. Plaintiff Daniel R. Liljenquist is a citizen of Utah.
27. Plaintiff Daniel R. Liljenquist brings this action in his individual capacity.
28. Plaintiff Brooke Liljenquist is a citizen of Utah and is the legally married wife of Daniel R. Liljenquist.
29. Plaintiff Brooke Liljenquist brings this action in her individual capacity. Both Plaintiffs Daniel R. Liljenquist, who suffered serious, permanent, and disabling injuries, and Plaintiff Brooke Liljenquist, as the natural parents and next friends of their minor children JDL, GEL, NWL, JLL, BLL and EFL, bring this action on said minors' behalf for the loss of their parental consortium.
30. Plaintiff Luis M. Silva is a citizen of Illinois and is a duly appointed Administrator of the Estate of Lydia Silva, Deceased.

31. Plaintiff Luis M. Silva brings this action on behalf of and for the use and benefit of all persons entitled to recover for the death of Lydia Silva, Deceased and the Estate of Lydia Silva, Deceased.
32. At the time of her death, Lydia Silva was survived by Luis M. Silva and her minor children RJM and DRM. Plaintiff Luis M. Silva asserts claims on behalf of himself in his capacity as Personal Representative of the Estate of Lydia Silva, Deceased.
33. Plaintiff Arlene Wilson is a citizen of Illinois and is the duly appointed Administrator of the Estates of RJM and DRM, minor children of Lydia Silva, Deceased.
34. Plaintiff Arlene Wilson brings this action on behalf of RJM and DRM, the minor children of Lydia Silva, who also reside in Illinois.
35. Plaintiff Carlos Rabanales is a citizen of Guatemala and is the duly appointed Administrator of the Estates of Walfred Serafina Rabanales, Deceased, and Luis Javier Rabanales, Deceased.
36. At the time of his death, Luis Javier Rabanales was survived by Laura Rabanales, Daniel Rabanales and Josue Rabanales, his children, Jose Luis Rabanales Maldonado, his natural father, and Rubidia Etelvina Girón, his natural mother.
37. At the time of her death, Walfred Serafina Rabanales was survived by Laura Rabanales, Daniel Rabanales and Josue Rabanales, her children, Paula Walfred López, her natural mother, and José Miguel Tobar Castañeda, her natural father.
38. Plaintiff Laura Rabanales is a citizen of Guatemala and sues in her individual capacity for the death of her parents, Luis Javier Rabanales and Walfred Serafina Rabanales.
39. Plaintiff Daniel Rabanales is a citizen of Guatemala and sues in his individual capacity for the death of his parents, Luis Javier Rabanales and Walfred Serafina Rabanales.

40. Plaintiff Josue Rabanales is a citizen of Guatemala and sues in his individual capacity for the death of his parents, Luis Javier Rabanales and Walfred Serafina Rabanales.
41. Plaintiff José Miguel Tobar Castañeda is a citizen of Guatemala and sues in his individual capacity for the death of his daughter, Walfred Serafina Rabanales.
42. Plaintiff Paula Walfred López is a citizen of Guatemala and sues in her individual capacity for the death of her daughter, Walfred Serafina Rabanales.
43. Plaintiff Rubidia Etelvina Girón is a citizen of Guatemala and sues in her individual capacity for the death of her son Luis Javier Rabanales.
44. Plaintiff Jose Luis Rabanales Maldonado is a citizen of Guatemala and sues in his individual capacity for the death of his son Luis Javier Rabanales.
45. Defendant Dallas Airmotive, Inc. (DAI) has previously answered and appeared in this lawsuit.
46. Defendant Pratt & Whitney Canada Corp. (P&W) has previously answered and appeared in this lawsuit.

#### **JURISDICTION AND VENUE**

47. This Court has jurisdiction over the subject matter and parties.
48. Venue is proper in Dallas County, Texas, pursuant to TEX. CIV. PRAC. & REM. CODE §15.002(a)(1) in that all or a substantial part of the events or omissions giving rise to the claim occurred in Dallas County, Texas and §15.002(a)(3) in that Dallas County is the principal office in this state for Defendant Dallas Airmotive, Inc.

#### **ASSUMED AND COMMON NAMES**

49. Pursuant to Rule 28 of the Texas Rules of Civil Procedure, Plaintiffs hereby give Defendants notice that they are being sued in all of their business or common names regardless



of whether such businesses are partnerships, unincorporated associations, individuals, entities, and private corporations. P&W is known to have used or done business under the following business or common names which include: PRATT & WHITNEY and PRATT & WHITNEY CANADA.

### FACTUAL BACKGROUND

50. On August 24, 2008 a single engine Cessna Caravan 208B registration TG-JCS crashed near Zacapa, Guatemala following an in-flight engine failure.

51. Cody Ray Odekirk, Jeffrey Ronald Reppe, John Brian Carter, Lizabeth Valentiner Johnson, Roger Alan Jensen, April Marie Jensen, Sarah Marie Jensen, Zachary Alan Jensen, Lydia Silva, Daniel R. Liljenquist, citizens of the United States, were passengers onboard the subject aircraft.

52. Luis Javier Rabanales and Walfred Serafina Rabanales, citizens of Guatemala, were passengers onboard the subject aircraft.

53. Cody Ray Odekirk, Jeffrey Ronald Reppe, John Brian Carter, Lizabeth Valentiner Johnson, Roger Alan Jensen, Zachary Alan Jensen, Lydia Silva, Luis Javier Rabanales and Walfred Serafina Rabanales were killed as a result of the engine failure, crash and subsequent fire.

54. April Marie Jensen, Sarah Marie Jensen, and Daniel R. Liljenquist were injured as a result of the engine failure, crash and subsequent fire.

55. April Marie Jensen, Sarah Marie Jensen and Daniel R. Liljenquist observed the aircraft catch fire and explode after they had escaped the wreckage.

56. The engine in the subject aircraft, serial 0781 ("subject engine"), was operated by Aereo Ruta Maya ("ARM"), a Guatemalan company.

57. DAI performed a hot section inspection of the subject engine at the ARM facilities in July 2005.
58. During the hot section inspection, DAI had available to it a hot section kit but did not use all of the kit components to replace critical hot section components.
59. During the hot section inspection, DAI did not disassemble key hot section components, specifically the small exit duct and the compressor turbine vane assembly.
60. DAI was unable to conduct a stretch check of the compressor turbine blades for evidence of creep because DAI elected to do the hot section in the field, at ARM's facility, rather than at its shop facilities in Florida or in Texas.
61. P&W was the manufacturer of the subject engine.
62. As designed and manufactured, the subject engine, like other PT6A-114A engines, had a basic time before overhaul ("TBO") limit of 3,600 hours of operation.
63. Beginning in August 2003, almost exactly five (5) years before the crash, P&W recommended a series of four 500-hour escalations of the overhaul limits for ARM's fleet of Caravan PT6A-114A engines, including the subject engine.
64. By the time of the crash, P&W had recommended a cumulative 2,000 hours of overhaul extensions to the fleet of ARM PT6A-114A engines which included the subject engine.
65. At the time of the crash, the subject engine had an overhaul limit of 5,600 hours due to the four 500-hour escalations recommended by P&W.
66. At each cycle where the fleet overhaul time was escalated, DAI conducted a visual inspection of the "dirty" engine parts and stated that the engine sample being submitted to Defendant was "acceptable".

67. DAI did not provide detailed information from the overhaul process to P&W, nor did P&W request detailed information from each overhaul.
68. At no time did P&W rely upon any detailed overhaul information from DAI on ARM engine samples before it recommended an escalation to the Aero Ruta Maya fleet overhaul limit.
69. DAI promoted facilitated and participated in escalations of the overhaul limits on ARM's fleet of PT6A-114A engines, including the subject engine.
70. At the time of the crash, the subject engine had never been overhauled due to the four overhaul extensions recommended by P&W to the fleet of ARM PT6A-114A engines.
71. Following the crash, P&W dispatched a company investigator from Canada as well as its Central America Customer Service Representative from Panama to the crash site and to investigate the ARM facility and records. Both individuals took photographs and the company investigator took field notes. In subsequent testimony, the P&W company investigator made false statements, under oath, about his field notes and gave testimony suggesting that he destroyed evidence. The P&W company investigator also made erroneous findings in his report and failed to inquire and investigate several significant technical issues.

#### **CAUSES OF ACTION AGAINST DALLAS AIRMOTIVE, INC.**

72. DAI was negligent in its maintenance and service of the subject engine.
73. DAI failed to properly recommend to ARM that it conduct the hot section inspection on engine serial 0781 at a turbine facility.
74. DAI, when performing the hot section inspection at ARM's facility, failed to replace, disassemble and inspect critical hot section components in engine 0781 and further failed to replace critical hot section components using the hot section kit that DAI had already shipped to ARM's facility prior to the hot section inspection.

75. DAI failed to provide adequate training and instruction to ARM, including failing to teach the proper inspection of the hot section of the PT6A-114A.
76. DAI failed to notify and advise ARM of the significantly higher PT6A-114A engine failures that were occurring in Central America and that during 2001-2007 the failure rate in Central and South America was approximately 10 times that of the rest of the world other than Africa.
77. DAI failed to notify and advise ARM that for significant periods prior to the crash, the failure rate of PT6A-114A engines was higher than the industry norm in the Cessna Caravan aircraft.
78. DAI failed to properly train and instruct on the requirements of SB 1703, the Pratt & Whitney maintenance manuals and various service bulletins and service instruction letters.
79. DAI failed to timely advise ARM of its interpretation of Service Bulletin 1703 that the 5,000 hour compressor turbine disk and blade set inspection was due 5,000 hours from the time the engine was new (TTSN) rather than from the time the engine was last in an overhaul level facility for maintenance.
80. DAI negligently interpreted the 5,000 hour compressor turbine disk and blade set inspection interval without first consulting with P&W.
81. DAI failed to ensure that ARM was using the proper tools and techniques to maintain the subject engine and to prevent failure of critical components in the hot section of the PT6A-114A.
82. DAI failed to advise P&W of the inadequacies of the TBO escalation evaluation process and to recommend corrective action to prevent in flight shutdowns of PT6A-114A engines, especially in Central America where the rate of failure was 10 times that in the United States and the rest of the world other than Africa.

83. All of the foregoing acts, singularly and collectively, constitute negligence which was a proximate cause of the occurrence and Plaintiffs' damages.

#### CAUSES OF ACTION AGAINST PRATT & WHITNEY

84. P&W was negligent in its design of the subject engine in that critical hot section components were not properly designed and tested to meet the demands imposed by significant extensions in engine overhaul limits under the fleet overhaul extension program conducted by P&W.

85. P&W was negligent in the evaluation process for fleet TBO escalations having recognized in 1989 that both a "dirty visual inspection" and information from the detailed overhaul process were essential inputs necessary before recommending an overhaul extension. By the time Service Bulletin 1703 was issued, P&W had dropped the practice of utilizing information from the detailed overhaul process.

86. P&W was negligent because the engine sample size was arbitrary and insufficient to support the premise that the sample engine was representative of the state of deterioration and wear on other engines in the operator's fleet.

87. P&W was negligent in failing to perform engineering and technical substantiation of the evaluation criteria with regard to sample size or sample data associated with recommending TBO escalations pursuant to Service Bulletin 1703. P&W was negligent for implementing an extended overhaul program for fleet operators and inducing operators to run PT6A-114/114A series engines well beyond the safe service life for such engines without conducting a thorough technical assessment of the consequences to engine reliability or implementing the necessary improvements to the engine and the associated engine operating and maintenance documents.

88. P&W was negligent for failing to develop adequate maintenance procedures to prevent hot section component failures when operated beyond the basic engine TBO.
89. P&W was negligent for failing to timely implement and prioritize a design change in hot section components of series 114 engines, including but not limited to redesigning a new generation of compressor turbine blades which were resistant to creep and with a sufficient service life to safely exceed the longest service interval that could be expected before an engine would be overhauled.
90. P&W was negligent for failing to adequately train and instruct ARM on the maintenance procedures necessary to prevent hot section component failures.
91. P&W failed to notify and advise ARM of the significantly higher PT6A-114A engine failures that were occurring in Central America prior to the crash and failed to take appropriate action to identify the underlying causes of this significantly higher failure rate, including neglect by P&W's own service personnel, and take appropriate action to address the engine failure rate in Central America which was approximately 10 times that of the rest of the world.
92. Defendant P&W was negligent in that SB 1703 failed to provide adequate warnings and instructions, including but not limited to: failed to state the safety importance of the 5,000 hour inspection requirement, as well as the ambiguous determination of the 5,000 hour interval ("last shop visit"); failed to incorporate "critical" service documents, e.g., SIL 125; failed to incorporate adequate information to make a determination of the escalation recommendation, in that prong 2 of AGTOIL 32 requirement of "detailed information from the overhaul" was not included in SB 1703; failed to properly warn and instruct operators such as ARM of the increased risk of dangers of engine failure with escalating TBO; failed to properly warn and instruct operators such as ARM as to engines in TBO escalation programs which had never been

overhauled; and failed to properly warn and instruct operators such as ARM as to service life limitations and dangers of catastrophic failure of critical hot section components, particularly the compressor turbine blades.

93. Such foregoing negligence, singularly and collectively, was a proximate cause of the occurrence in question and Plaintiffs' damages.

94. The subject engine was defective and unreasonably dangerous in that critical hot section components were not properly designed and tested to meet the demands imposed by significant extensions in engine overhaul limits under the fleet overhaul extension program conducted by P&W. Such defects were a producing and proximate cause of the occurrence in question and Plaintiffs' damages.

95. The subject engine was defectively marketed in that warnings and instructions provided by P&W were inadequate and did not properly warn of dangers associated with the engine or with use of the engine. Such defects were a producing and proximate cause of the occurrence in question and Plaintiffs' damages.

### **DAMAGES**

96. Plaintiffs seek all damages recoverable under the applicable law for wrongful death and survival damages accruing to Plaintiffs for the deaths of Cody Ray Odekirk, Jeffrey Ronald Reppe, John Brian Carter, Lizabeth Valentiner Johnson, Roger Alan Jensen, Zachary Alan Jensen, Lydia Silva, Luis Javier Rabanales and Walfred Serafina Rabanales.

97. Plaintiffs seek all damages recoverable under the applicable law for injuries sustained by surviving passengers April Marie Jensen, Sarah Marie Jensen and Daniel R. Liljenquist.

98. Plaintiff Brooke Liljenquist, and minors JDL, GEL, NWL, JLL, BLL and EFL, as the non-injured spouse and children of plaintiff Daniel R. Liljenquist, sue for damages accruing to them in their capacity as spouse and minor children of the injured passenger, Daniel R. Liljenquist.

99. Surviving passengers April Marie Jensen and Sarah Marie Jensen sue for damages for having contemporaneously witnessed and perceived the explosion and fire which caused the deaths of Roger Alan Jensen and Zachary Alan Jensen.

100. Surviving passenger Daniel R. Liljenquist also seeks damages for perceiving the fire and explosion which killed the deceased passengers.

**PREJUDGMENT INTEREST**

101. Plaintiffs claim interest at the maximum legal rate on damages suffered as a result of the Defendants' conduct.

**JURY DEMAND**

102. Plaintiffs respectfully request a jury to be empanelled to decide the factual issues of this case.

**PRAYER**

Plaintiffs respectfully pray that they have and recover all judgment of and from the Defendants for the damages stated herein, with all costs of court, prejudgment interest at the maximum legal rate, post judgment interest at the maximum legal rate, and all other relief, both general and specific, at law or in equity, to which Plaintiffs may show themselves justly entitled.

Respectfully submitted, this 2<sup>nd</sup> day of March, 2011.



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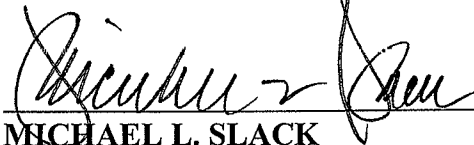
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**ON BEHALF OF ALL PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the foregoing **PLAINTIFFS' SEVENTH AMENDED ORIGINAL PETITION** has been served via e-mail and via first class, U.S. Mail to the following counsel of record on this the 2 day of ~~February~~, 2011:

*March*

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