

# Aviation

## Overview

Carlton Fields provides comprehensive litigation, transactional, and regulatory services to U.S. and overseas commercial and general aviation industry clients. Our clients include: domestic and international commercial carriers; manufacturers of general aviation and commercial aircraft, engines, and parts; aviation insurers; airports; ground handling facilities; catering services; pilots; mechanics; and aviation training facilities. We have experience handling disputes nationwide in all tribunals, including in federal and state trial and appellate courts, federal bankruptcy courts, and before domestic and international arbitration tribunals.

Our aviation group includes several licensed private pilots, including a FAA-certificated flight instructor with an instrument and commercial pilot certificate, and many of our members are recognized as top lawyers by national and international rating organizations. We take leadership roles in industry associations, including the National Business Aviation Association, the National Transportation Safety Board Bar Association, the Lawyer-Pilots Bar Association, the Seaplane Pilots Association, the Aircraft Owners and Pilots Association, the Aviation Insurance Association, The Florida Bar Aviation Law Committee, the DRI Aviation Law Committee, the ABA Aviation Litigation Committee, and the ABA Forum on Air and Space Law.

## Transactional, Regulatory and Investigation Services

We have represented clients including:

- Airports regarding Federal Aviation Administration (FAA) permits
- Fixed-base operators regarding vendor contracts, compliance with aviation regulations and environmental laws, insurance issues, and permitting for special events and air shows
- Air transport and commercial pilots, flight instructors, and others regarding FAA enforcement actions, medical certifications, and compliance with Federal Aviation Regulations (FARs)

We have advised on and assisted with matters including:

- Customs and border patrol investigations
- Transportation Security Administration (TSA) disputes
- Certificate of need (CON) renewals for hospitals with aviation and trauma helicopter operations

- Aircraft sales, leasing, fractional ownership, and compliance with FARs for businesses with flight operations
- Compliance with the FARs' certification process (14 C.F.R. part 135) for charter operations
- Compliance with FARs related to flight training schools (14 C.F.R. part 141)

## Product Liability and Personal Injury Services

We have defended air carriers against varied personal injury claims including those arising from severe turbulence, airport premises liability, ramp accidents, food poisoning, airline club lounge accidents, boarding denials, passenger ejection, false imprisonment, malicious prosecution, assault and battery, emergency evacuations, overhead bin accidents, in-flight medical emergencies, hot beverage spills, customers of size, lost/damaged checked and carry-on baggage, and claims governed by the IATA Intercarrier Agreements, and Montreal Convention and Warsaw Convention (including delay claims). We have investigated and litigated product liability claims related to aircraft accidents in the United States and around the world. Our experience includes extensive litigation of issues of personal jurisdiction over foreign manufacturer in state and federal trial and appellate courts. **Representative Matters**

- Defended claims against general aviation aircraft manufacturer arising out of fatal accidents in Colorado, New Mexico, Missouri, Pennsylvania, and Virginia.
- Obtained defense verdict for engine manufacturer in federal action over fatal accident in Guatemala.
- Sustained, on appeal, trial court order for new trial of multimillion-dollar verdict against engine manufacturer, with dismissal of punitive damages claims.
- Litigated issues under the commercial aviation exception to the Death on the High Seas Act in an action arising from a crash in the Atlantic Ocean near the coast of Greenland.
- Defended large U.S. aircraft manufacturer in two wrongful death cases arising from the November 28, 2009, crash of an Avient Aviation McDonnell Douglas MD-11 cargo aircraft during takeoff from Shanghai Pudong International Airport in Pudong, China.
- Local counsel in litigation resulting from the August 20, 2008, crash of Spanair Flight 5022 in Madrid (included 44 actions before the Judicial Panel on Multidistrict Litigation).
- Defended 85 passenger claims brought in Florida against Lloyd Aereo Boliviano in U.S. litigation arising from a 2008 Boeing 727 crash near Trinidad, Bolivia.

- Defended American Airlines in federal multidistrict litigation in Miami arising from 1995 Boeing 757 accident near Cali, Columbia.
- Defended commercial airline in federal multidistrict litigation in Miami and St. Croix, U.S. Virgin Islands, arising from Airbus A300 turbulence incident over the Caribbean Sea.

## Commercial Litigation Services

### Representative Matters

- Represented FBOs in billing disputes with pilots and clients.
- Enforced foreign forum selection clause under German aviation insurance policy.
- Defended airline in bench trial on claim for damaged “unique” luggage and contents under Montreal Convention.
- Defended airplane engine manufacturer in federal litigation involving engine manufactured and delivered in the 1960s, based on Florida’s statute of repose and the General Aviation Revitalization Act.
- Prosecuted claims against the manufacturer of defective bearings incorporated into our client's aircraft engine, resulting in a massive engine recall.
- Assisted on an emergency basis in the retrieval of proprietary and confidential information that was in the possession of a camshaft manufacturer, including blueprints, software, hardware, raw material, and all intellectual property subject to the terms and conditions of the purchase orders.
- Represented financial institutions and owners in various actions to recover aircraft, compensation, or for injunctive relief in enforcing provisions of loans and leases.
- Represented aircraft charter companies in actions for enforcement of restrictive covenants, noncompete agreements, trade secret misappropriation, and enforcement of other contracts.

In addition, we have handled extensive litigation of forum non conveniens issues, and litigated federal preemption issues for claims brought under the Warsaw Convention.

## Criminal Defense Services

We have defended pilots, airlines, airline employees, and others against a range of criminal charges. **Representative Matters**

- Defended six former officers of bankrupt public aviation company (Avantair) against claims exceeding several hundred million dollars.
- Defended pilots involved in criminal aviation matters, including the use of false aviation records.
- Filed motion to return log books seized in search warrant of FBO; the court ordered their return.
- Filed motion to suppress documents in criminal case involving false statements; the court granted the motion.
- Defended pilot accused by FAA of violating presidential airspace.
- Represented a commercial airline gate agent as a witness in a criminal prosecution of a passenger.
- Defended a commercial airline in a criminal trial involving importation of contraband.

## Construction Services

### Representative Matters

- Provided legal contract administration through project closeout as project counsel to the general contractor for construction of the Hartsfield-Jackson Atlanta International Airport.
- Provided legal contract administration through project closeout, as well as pre-contract review and modifications, for the Atlanta Delta Air Cargo Terminal.
- Serve as procurement counsel to the Metropolitan Washington Airports Authority for the Dulles International Airport, Reagan National Airport, and Dulles Toll Road.
- Represented subcontractor in connection with claims for extra work and defective workmanship on construction of new American Airlines terminal at the Raleigh-Durham International Airport.
- Provided legal contract administration through project closeout for the Richmond International Airport.
- Prepared request for equitable adjustment for contractor on the runway extension for the San Salvador Airport construction project in the Bahamas.
- Represented airport in dispute with contractor regarding construction of a new fire station.
- Represented airport in construction disputes regarding a new airport; client's recovery was in the millions.

- Represented airport in a dispute with a national contractor regarding a defective taxiway bridge and negotiated a replacement at no cost to the airport.
- Represented airport against contractor for indoor air quality issues.
- Advised airport on insurance program for multiyear terminal expansion.

## Labor and Employment Services

We have advised, counseled, and defended airline carriers on a range of labor and employment matters, including:

- EEO, wrongful termination, retaliation, and whistleblower litigation in federal and state courts (including claims of race, sex, pregnancy, age, national origin, and disability discrimination; and investigating and defending sexual harassment and retaliation claims)
- Litigation brought under ERISA and the Family and Medical Leave Act
- Claims against airline carrier for workers' compensation retaliation brought by former employees
- Claims arising from pilot discipline and terminations, including hybrid claims; argued Railway Labor Act preemption to obtain dismissal of state law claims brought by terminated airline pilot

## Insights

# Featured Insights

12.22.2022

High Crimes and Misdemeanors: The FAA and Pilot DUIs

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11.01.2022

High Crimes and Misdemeanors: Busted by the Feds: The Anatomy of a Federal Criminal Prosecution of a Drone Pilot

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08.12.2022

High Crimes and Misdemeanors: Unruly Passengers on Flights

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03.23.2022

High Crimes and Misdemeanors: Federal Criminal Aviation Cases From 2021

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06.25.2020

The ABCs of Pilot Deviations

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10.01.2019

TSA Adds New Compliance Program to Address Violations of Its Security Requirements

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07.31.2019

Florida Regulation of PFAS at Airports and Governmental Installations Ramps Up

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09.01.2016

Aviation Law 2016 Virtual Round Table

*Corporate LiveWire*

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08.08.2016

New Federal Drone Regulations Leave Unanswered Questions

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01.29.2016

Big Changes in FAA's Policies Concerning FAA Enforcement Actions

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01.29.2016

Big Changes in FAA's Policies Concerning FAA Enforcement Actions

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07.15.2015

National Companies Considering Commercial Drones Must Consider State Privacy Laws

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04.08.2015

FAA Proposes Framework of Regulations For Small-Scale Commercial Drones

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03.31.2015

FAA Announces Interim Commercial Drone Operation Policy

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03.25.2015

Up, Up, and Away: Insurance Market for Commercial Drones Set to Take Off

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02.18.2015

FAA Unveils Proposal for Regulating Commercial Drones

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02.02.2015

Sleep Apnea in Aviation

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12.17.2014

The FAA Grants Drone Operators Five Regulatory Exemptions

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12.02.2014

Implications of the NTSB's Decision That Drones are Aircraft

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11.20.2014

A Pilot's Guide to FAA Enforcement Actions

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06.18.2014

Unfit for Publication: How USA Today Got Everything Wrong

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06.10.2014

FAA Approves First Commercial UAS Flights over Land

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04.24.2014

FAA Seeks Comments on Aircraft Emergency Operations

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04.13.2014

Aviation Industry Links

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02.25.2005

Sky Docket - Winter 2005

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11.29.2004

Sky Docket - Fall 2004

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08.23.2004

Sky Docket - Summer 2004

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02.11.2004

Sky Docket - Winter 2004

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01.12.2004

Opening Your Closing Argument

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12.12.2002

Pro Bono for Paralegals Reference Guide

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## Related Capabilities

### Practices

- Construction
- Construction Transactions
- Cybersecurity and Privacy
- Environmental Regulation & Litigation
- International
- Labor & Employment
- Litigation and Trials
- Mass Tort and Product Liability

### Industries

- Construction

- White Collar Crime & Government Investigations
- International Litigation & Arbitration