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WEEKLY

■ V&S UPDATE

Family settles case over skydiving crash

2011 appellate ruling helped secure settlement



Morry Cole

BY KELLY WIESE

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The family of a man who died after he was paralyzed when a skydiving plane crashed settled a wrongful death case a few days before trial was to begin for more than \$3 million, their attorney said.

Steven Parrella was a cameraman aboard the plane to record other skydivers, explained his family's attorney, Morry Cole, of Gray, Ritter & Graham in St. Louis.

The plane crashed near Sullivan, about 70 miles southwest of St. Louis, after it experienced engine failure. Six of the eight people aboard died in the crash.

Parrella suffered extensive injuries, including paralysis. He committed suicide two years later because of those injuries, his lawyer argued, and his family continued with the case he initially filed.

Some other plaintiffs tried their claims against Doncasters Inc., an aftermarket parts deal-

er, in 2011. In that case, a jury heard that Doncasters used a substandard alloy to make the plane's blade. The jury then returned a \$48 million verdict, including a sizable punitive award.

After considering post-trial motions, a judge in the *Delacroix v. Doncasters* case in September threw out the punitive award, which accounted for \$28 million of the total, but upheld the compensatory award. Both sides have appealed that ruling to the Eastern District Court of Appeals.

The Parrella case had two main claims, Cole explained: one for medical expenses and care incurred from the time of the crash until the man died, and a second for wrongful death.

"His death was caused by the physical and psychological injuries he suffered in the crash,"

Cole argued.

Particularly helpful in resolving the case, he said, was a state Supreme Court ruling that came down last year, *Kivland v. Columbia Orthopaedic Group*, a few months before this case was set for trial. In that medical negligence case, plaintiffs pursued a wrongful death claim, alleging a man committed suicide after back surgery caused severe pain and paralysis. The state's high court allowed the case to proceed, saying the family didn't have to show the man was actually insane, but rather simply that his suicide was a direct result of the doctor's negligence. Other lawyers in Cole's firm handled that appeal.

In the plane crash litigation, the family agreed to settle with Doncasters for \$3.1 million, Cole said, and had settled with

other defendants earlier for a collective \$65,000. Cole said his case made the same liability arguments as in the *Delacroix* case that went to trial.

Doncasters made a part of the airplane engine, a compressor turbine blade, that the plaintiffs argued was defective.

An expert on Federal Aviation Administration regulations said the company didn't follow FAA rules regarding the part. The blade broke, plaintiffs argued, because it couldn't withstand the heat and pressure in that engine.

In general, the defense argued the crash was due to improper maintenance and that the blade in question had FAA approval, plaintiffs' attorneys explained.

Defense attorney Larry Kaplan didn't return messages seeking comment by press time.

■ \$3.2 million settlement

WRONGFUL DEATH

■ **Venue:** Franklin County Circuit Court

■ **Case Number/Date:** 06AB-CC00300/April 3, 2011

■ **Judge:** Gael Wood

■ **Plaintiffs' Experts:** Richard McSwain, Pensacola, Fla. (aircraft metallurgy); Donald Sommer, Broomfield, Colo. (aircraft accident failure analysis); Jack Lipscomb, Huddleston, Va. (accident reconstruction); Arthur "Lee" Coffman, Amarillo, Texas (maintenance); David Hoepfner, Salt Lake City (aircraft design); William Twa, Saginaw, Texas (Federal Aviation Administration certification); Robert E. Marsh, Little Rock, Ark. (economics); Dr. Michael Jarvis, St. Louis (psychiatry)

■ **Defendant's Experts:** Dale Alexander, Chicago (metallurgy); Christopher Andrews, Dallas (aircraft maintenance)

■ **Insurer:** AIG

■ **Caption:** Tracy Parrella, Diane Parrella and David Parrella v. Doncasters Inc.

■ **Plaintiffs' Attorney:** Morry Cole, Gray, Ritter & Graham, St. Louis

■ **Defendant's Attorney:** Larry Kaplan, Kaplan, Massamillo & Andrews, Chicago