

Friday, February 3, 2006

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From the January 23, 2006 North Carolina Lawyers Weekly.

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## Verdicts & Settlements

### Products Liability

#### Plane Crash - Vibration Damper Defect Alleged - Engine Failure - Real Estate Company Founder, Wife Killed - Eight Children - \$26.05 Million Settlement

**Type of Action:** Products liability; wrongful death

**Injuries Alleged:** Death of David and Ann Drye

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**Name of Case:** *Leann Littlefield and Jennifer Jewell, Executrices of the Estate of David Drye; and Leann Littlefield and Jennifer Jewell, Executrices of the Estate of Ann Drye v. Teledyne Technologies, Inc., d/b/a Teledyne Continental Motors et al*

**Court/county:** Mecklenburg County Superior Court

**Case No.:** 03-CVS-750

**Tried Before:** n/a

**Name of Judge:** Honorable Forrest D. Bridges

**Special Damages:** n/a

**Verdict/Settlement:** Settlement

**Amount:** \$26,050,000

**Settlement Date:** The paperwork confirming the settlement was signed in Charlotte on Dec. 16, 2005.

**Demand:** n/a

**Offer:** n/a

**Experts:** Richard H. McSwain, Ph.D., P.E., Pensacola, Florida (metallurgical expert); Jack C. Lipscomb, Huddleston, Virginia (accident reconstruction and investigation expert); Donald E.

Sommer, (forensic engineer expert specializing in failure analysis of aircraft

**Insurer:** n/a

**Plaintiffs' Attorneys:** Gary C. Robb, Kansas City, MO; Randy W. James, Lee's Summit, MO and W. Joseph Dozier Jr., Charlotte

**Person Submitting:** W. Joseph Dozier Jr.

**Description:** The lawsuit arose from the June 14, 1999 plane crash which killed David and Ann Drye of Concord, North Carolina and was brought by the eight children of Mr. and Mrs. Drye, ranging in age from 13 to 34. They alleged that the engine of the Dryes' Cessna 421 aircraft failed shortly after takeoff causing the plane to crash in a wooded area near Concord Mills Mall. The defendants were Teledyne Continental Motors, which made the airplane's engines, Vibratex, Inc., which made a component part in the engine, Stevens Aviation, which provided some services to the aircraft, and RAM Aircraft, which overhauled the plane.

The lawsuit claimed that a component part manufactured by Vibratex called a viscous vibration damper failed, causing a right engine power loss shortly after takeoff. The pilot of the aircraft radioed to the air traffic control tower that he "was losing his right engine" and said, "We're coming around."

David Drye was the founder and chief executive officer of the David Drye Company, a prominent real estate development company in Concord. The company built and managed apartments, hotels, and multi-family units. He and his wife, both 56 years old, were in excellent health at the time. Mr. Drye rode a bike 20 miles each morning. The lawsuit claimed that both Mr. and Mrs. Drye survived the initial impact but were consumed by the ensuing fire. All aboard the plane were killed.

The largest portion of the settlement, \$20 million, was paid by the engine manufacturer, Teledyne Continental Motors of Mobile, Ala. The company which overhauled the engine, RAM Aviation of Dallas, paid \$3 million and Vibratex, Inc., paid \$2.8 million. A maintenance services facility, Stevens Aviation, paid \$250,000.

Establishing liability was a challenge because the National Transportation Safety Board concluded that the cause of the crash was pilot error and not engine failure.

As to the damages, the plaintiffs' economist pegged the deceaseds' lost income at \$100 million but the defendant's economist calculated only a \$4.9 million loss. This was because the real estate business was still going strong and several of the children still had an interest in the business. Plaintiffs were also concerned about the jury's reaction to requesting additional compensation in that the family inherited over \$47 million from their parents' estate after the deaths.

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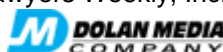
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