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Aircraft Company Wins \$2.4M in Lost Profits

By Blaise Scemama
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A Los Angeles County jury awarded a private jet charter company that had not yet made a profit \$2.4 million in lost profits after a fueling and hangar company employee allegedly improperly parked a Cessna airplane, damaging it when it rolled into other aircraft parked in a hangar.

Amnon Siegel, and David W. Schecter of Miller Barondess LLP, representing WindAirWest, was able to obtain the jury award Friday for the private charter and aircraft management company, even though it had yet to establish a track record of profitability.

The jury determined Castle & Cooke Aviation Inc., a hangar facility at the Van Nuys Airport, was grossly negligent in its handling of a Cessna Citation X aircraft, leased by WindAirWest for charter services.

“The business plan was to use this Citation X to gain traction, gain recognition and then acquire additional Citations Xs,” Siegel said Monday. “It was very clear from the testimony of all the witnesses that this was definitely the plan, but it was the plan that never got off the ground, literally.”

According to the complaint, WindAirWest hired Castle & Cooke to provide fueling, hangaring, tie-down and parking of their newly-leased Cessna X.

However, days before the aircraft was to be certified by federal aviation authorities for revenue producing flights, a Castle & Cooke employee failed to properly secure the



Amnon Siegel of Miller Barondess LLP

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aircraft after parking it on a slope, according to trial evidence.

The jet rolled downhill, crashing into two other aircraft, causing damage that would take six months to repair. *WindAirWest LLC v. Castle & Cooke Aviation Services*, LC104747 (L.A. Sup. Ct., filed Oct. 11, 2016).

Siegel argued WindAirWest, established in 2012, had made significant investments in the aircraft and training of pilots, but because of the collision, it was never able to recoup these expenses, and thus the action had negatively affected its ability to make a profit.

“One of the challenges to litigating a case

like this was that WindAirWest had not yet established a track record of profitability,” Siegel said.

“I tried to make the jury understand, that ... the law allows for juries to award future lost profits and that the jury instructions don’t require those issues to be determined with mathematical precision,” he added.

After two weeks of trial at the Van Nuys Courthouse East, the jury agreed with Siegel.

Counsel for Castle & Cooke, Gregory L. Anderson and Peter Brotzen of Dwyer, Daily, Brotzen & Bruno LLP, were unavailable for comment.