

Jonathan Corbett, Esq. (CA Bar No. 325608)
CORBETT RIGHTS, P.C.
5551 Hollywood Blvd., Suite 1248
Los Angeles, CA 90028
Phone: (310) 684-3870
FAX: (310) 675-7080
E-mail: jon@corbettright.com
Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Brandon Carroll
-and-
Sarah Jean Duprey,
*on behalf of themselves and
all others similarly situated,*
Plaintiffs,

v.

United Airlines, Inc.,
Defendant

Case No. 2:23-CV-8236

CLASS-ACTION COMPLAINT

JURY TRIAL DEMANDED

Introduction

1. Defendant United Airlines, Inc. (“United”) is a major U.S. airline with the second largest fleet in the country, including 19 “Boeing 777-200” aircraft of its approximately 900 planes in service.

2. But, United has demonstrated that they are unable to safely maintain the engines on these 23-to-28 years old 777-200s, as evidenced by a shocking number of flights on this model with engine failure, engine fires, smoke in the cabin, smoke in the cockpit, pieces of engine parts separating at high speed and penetrating the hull of the aircraft, loss of cabin pressure, and sounds of explosion, causing passengers to fear for their lives as the plane diverts to the nearest airport.

1 **Jurisdiction & Venue**

2 9. The Court has federal question subject-matter jurisdiction under 28
3 U.S.C. § 1332(d)(2), as at least one plaintiff and one defendant are citizens of
4 different states, there are over 100 putative class members, and the total amount in
5 controversy is likely to exceed \$5,000,000.

6 10. The Court has general personal jurisdiction over United because it
7 regularly does business within the State of California and the incident that gave rise
8 to this complaint occurred within the same.

9 11. The Court is a proper venue pursuant to subsection 28 U.S.C. § 1391
10 (b)(2) because the incident that gave rise to this complaint occurred within this
11 judicial district.

12 **Statement of Facts**

13
14 12. On June 21st, 2023, Plaintiffs boarded UA1158, a flight marketed and
15 operated by United, at LAX airport, with a scheduled destination of HNL airport.

16 13. The plane operating UA1158 that day, boarded by Plaintiffs, was a
17 Boeing 777-200 with tail number N779UA, powered by two Pratt & Whitney
18 PW4077 engines.

19 14. UA1158 departed LAX airport at approximately 8:51 AM local time.

20 15. Approximately 5 minutes into the flight, Plaintiffs heard a loud
21 explosion.

22 16. Shortly thereafter, smoke filled the cabin.

23 17. The United employees piloting the plane declared an emergency to air
24 traffic control and began diversion back to the origin airport.

25 18. Meanwhile, the passengers on UA1158 feared that they were about to
26 die while experiencing respiratory distress due to smoke inhalation.

1 19. Plaintiffs Carroll and Duprey, a married couple, were terrified, believed
2 they were about to die, and said goodbye to each other and their 11-month old infant
3 on board.

4 20. The other ~260 passengers on board appeared to be similarly distressed,
5 exhibiting looks of panic or terror, shouting, and likewise saying their goodbyes.

6 21. Thankfully, UA1158 completed its emergency landing at LAX airport
7 at approximately 9:20 AM local time and there were no serious physical injuries.

8 22. Upon information and belief, the cause of the explosion and smoke was
9 a failure in the engine or attached systems (controllers, power units, generators, *etc.*).

10 23. After landing, Plaintiffs continued to experience signs of severe
11 emotional distress, including uncontrolled crying, shaking, racing heart, difficulty
12 sleeping, nightmares, and fear of flying, some of which persist to date.

13 24. The experience of passengers on UA1158 was not an isolated incident.

14 25. In fact, it was not even the first time this year that N779UA had engine
15 failure: on February 4th, 2023, an engine shut down mid-flight.

16 26. Another United 777-200, with tail number N772UA, had an engine
17 explode in-flight due to a fan blade breaking off and being propelled from the engine
18 at high speeds in 2021.

19 27. Another United 777-200, with tail number N773UA, had the same
20 problem in 2018.

21 28. Another United 777-200, with tail number N783UA, had smoke in the
22 cabin during flights *twice*, in 2016 and 2017.

23 29. Another United 777-200, with tail number N781UA, had engine
24 failures during flights *twice*, in 2016 and 2017.

25 30. Two more United 777-200s, with tail number N797UA and N215UA,
26 both had an engine shut down in-flight, in 2017 and 2016, respectively.

27 31. Another United 777-200, with tail number N777UA, was diverted after
28 smoke from the engine in 2018.

1 32. United operates approximately 900 airplanes, of which approximately
2 19 are 777-200s.

3 33. United's 777-200s are all approximately 23 to 28 years old.

4 34. As demonstrated above, at least eight of United's nineteen 777-200s
5 (42%) have had at least 1 engine failure during flight or takeoff. At least three have
6 had such problems at least twice.

7 35. United also operates several dozen Boeing 777-200ER aircraft, the
8 oldest of which use the same PW4077 engines as their 777-200s.

9 36. Of their 777-200ER aircraft equipped with PW4077s, tail number
10 N787UA holds the record for engine failures: it failed to take off *twice* in the
11 previous year due to sparks and/or smoke visible from its engines, and also had
12 engines fail mid-flight *twice*, in 2013 and 2014.

13 37. N787UA is still in service with United as of the date of this complaint.

14 38. Plaintiffs will refrain from enumerating the incidents for the rest of
15 United's 777-200ERs, and have also omitted any incidents that appeared to have
16 been caused by birds flying into the engine or incidents more than about 10 years
17 prior to UA1158¹.

18 39. Put simply, United has demonstrated that it is unable to safely maintain
19 its 777s with PW4077 engines.

20 40. But, United has not grounded these planes, and, upon belief, has no plan
21 to mitigate the specific safety risks presented by these planes short of hopes and
22 prayers that they do not crash before their scheduled retirement.

23 41. Quite the opposite, United has demonstrated that they will do the
24 minimum possible maintenance and inspections allowed by law – or less.

25
26
27 ¹ There were, in fact, relatively few incidents in 2003-2012, as compared to
28 2013 to present, indicating that these issues are becoming more frequent as these
aircraft age.

1 49. This class excludes all actively working for United in service of
2 UA1158 at the time of the engine failure (*e.g.*, flight deck crew, cabin crew), but
3 does not exclude “non-revenue customers” (those traveling on a free ticket) or
4 United employees who may have been on board but not in service of the flight.

5 50. There were approximately 260 passengers on board, and it is expected
6 that nearly all of them experienced the emotional distress that would be a natural
7 human emotional response to a near-death experience³.

8 51. This putative class meets the requirements of Fed. R. Civ. P. 23(a) and
9 23(b)(3).

10 52. *Numerosity* – The size of the class is expected to be 260 persons,
11 making it impracticable to individually name all possible plaintiffs.

12 53. *Commonality* – The application of California negligence law to an
13 incident that occurred on an airplane above its land will be a common question of
14 law for all class members. Likewise, the factual basis for the negligence of United
15 will be a common question of fact for all class members.

16 54. *Typicality* – All passengers on board encountered the same scenario as
17 the named plaintiffs and are highly likely to have suffered emotional distress similar
18 to the named plaintiff, as this complaint speaks of a natural human emotional
19 response to a near-death experience⁴.

21
22 ³ It is not an element of Plaintiffs’ claim that the passengers were actually
23 about to die. This was not a “safe” condition for an airplane, regardless of whether
24 it is more likely than not that such a situation will result in a crash. The emotional
25 distress here was due to what any passenger would foreseeably and reasonably
26 perceive as a situation where they may lose their life. One who puts another in fear
of death, causing emotional distress, is liable regardless of whether or not there was
any actual risk of death.

27 ⁴ Plaintiffs do not seek damages for atypically severe and/or permanent mental
28 health conditions, and would encourage any passengers with damages greater than
the ordinary passenger to consider excluding themselves from the class.

