

2nd Circuit Revives Army Helicopter Lawsuit Brought By Families of Veterans Killed Due To Faulty Equipment

NEW YORK CITY, NEW YORK, U.S., November 21, 2023 /EINPresswire.com/ -- The Second Circuit Court of Appeals on Tuesday reversed a lower court decision dismissing the case on field preemption grounds and reviving a lawsuit brought by the estates of Army pilots Steven B. Redd and John D. Hortman.

The men lost their lives in the August 8, 2011 crash of an Army MH-6M "Little Bird" that its manufacturers allegedly knew to be defective. The plaintiffs claim that the deaths were the result of negligence by the manufacturers of an Army helicopter, including Rolls-Royce and Goodrich Pump and Engine Control Systems (GPECS).

A copy of the panel's decision [can be found here](#). Jones and Redd vs. Boeing Co., et al., 12-cv-01297 (2nd Cir., filed Dec. 15, 2020).

According to the complaint, the defendants knew for many years that the AH-6M Little Bird helicopter was unreasonably dangerous and failure-prone, yet knowingly concealed this information from the government. More details on the underlying lawsuit are [available here](#).

The panel found a district court judge had erred in granting summary judgment to the defendants, including Rolls-Royce Corp. and Goodrich Pump & Engine Systems Inc., reasoning that the family members' claims were not preempted by the Federal Aviation Act as the lower court had claimed.

"We disagree. Field preemption is always a matter of congressional intent, and we think Congress's removal of military aircrafts from the (Federal Aviation Act)'s reach indicates that it did not wish to include them in the FAA's preempted field," wrote the Second Circuit Court of Appeals panel. "Rather, Congress intended for the Department of Defense to have autonomy over their own aircrafts."

Adalia Redd, the widow of Steven Redd, and his children, Dezaray, Jazlyn, and Trystan are represented by Timothy A. Loranger, a Marine Veteran, and Crawford Appleby of the international civil law firm Wisner Baum.

Loranger praised the court's reversal on Tuesday and expressed relief at the revival of the

underlying lawsuit.

"The families have been fighting for justice for their loved ones who lost their lives while serving their country as a result of faulty equipment," Loranger said. "This could have been avoided and a ruling from the Court of Appeals is bittersweet, considering that they are all preparing to celebrate Thanksgiving."

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