

October 19, 2011

Terry Williams, a 42-year-old mother of two, is now permanently disabled.

Years ago, this former flight attendant for American Airlines suffered severe injury to her central nervous system after being exposed to toxic "bleed air" -- engine oil fumes emitted from a defectively designed Boeing aircraft into the plane's air supply. The plane, which had been manufactured by the McDonnell Douglas Corporation, did not have a system installed to detect the presence of contaminated air in the cabin. Despite the wide availability of detection devices and the prevalence of bleed air events, Boeing never acted on the evident risks. Due to her exposure, Ms. Williams became disabled and could no longer work.

Ms. Williams and her husband file a lawsuit against McDonnell Douglas and Boeing seeking damages for her injuries. The defendants sought total immunity on the ground that state-law claims for defective design are preempted -- i.e., totally wiped out -- by the Federal Aviation Act and its implementing regulations. We argued, in our [opposition brief](#), that state tort claims are, in fact, *not* preempted when the aircraft design violates federal safety regulations. In this case, we explained, the airplane's design clearly violated a federal regulation requiring that cabin air be free from hazardous fumes.



Terry Williams, at left, with co-lead counsel Alisa Brodowitz.
(Photo: Chris Wilson/msnbc.com)

In July of this year, the court ruled in our favor, holding that the plaintiffs had the right to prove their case in court. In the wake of that ruling, the defendants quickly settled the case out of court for a confidential amount.

In the course of defending the case, McDonnell Douglas and Boeing produced hundreds of thousands of pages of documents describing their knowledge of the toxic bleed air problem reaching all the way back to the 1950s. Indeed, thousands of similar incidents happen every year, yet the problem of toxic bleed air on airplanes rarely gets talked about. There are some notable

exceptions -- [a recent MSNBC article](#) did a good job capsulizing the issues -- but there is an alarming lack of coverage of an issue that potentially affects millions of airline crew members and unsuspecting passengers.

In representing Ms. Williams, we joined Alisa Brodkowitz, an aviation attorney in Seattle and Public Justice lead cooperating counsel. In addition, Williams was represented by Public Justice cooperating counsel Michael Withey, also of Seattle, Public Justice Senior Attorney [Leslie Brueckner](#) and [Brayton-Thornton Attorney Melanie Hirsch](#).

Congratulations and thanks to Alisa, Mike, Leslie and Melanie for their work on this case.

Congratulations and thanks to you, too, for supporting our cutting-edge work to hold manufacturers accountable for defective designs that injure innocent people like Terry Williams.

Arthur Bryant

Executive Director

Public Justice and the
Public Justice Foundation