

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

ELWALEED SIDAHMED,	§	
	§	
Plaintiff,	§	
	§	Case No. 1:24-cv-00157
v.	§	
	§	
	§	<b>COMPLAINT</b>
DEUTSCHE LUFTHANSA, A.G., INC., d/b/a LUFTHANSA GERMAN AIRLINES, INC., d/b/a LUFTHANSA GERMAN AIRLINES, a/k/a DEUTSCHE LUFTHANSA AKTIENGESELLSCHAFT	§ § § § § § § § § § § §	Personal Injury Action (28 U.S.C. § 1331 (treaty jurisdiction))
Defendant.	§	<b>DEMAND FOR JURY TRIAL</b>

Plaintiff, Elwaleed Sidahmed, brings this action for the serious injuries he sustained while a passenger on Lufthansa German Airlines Flight 469 from Austin, Texas to Frankfurt, Germany on March 1, 2023, when the flight encountered severe and violent turbulence. Plaintiff’s injuries were the direct and proximate result of defendant Lufthansa’s negligence.

**THE PARTIES**

1. Plaintiff Elwaleed Sidahmed is domiciled in the State of Texas, with his principle and permanent residence in Round Rock, Texas.
2. Defendant Deutsche Lufthansa, A.G., Inc., d/b/a Lufthansa German Airlines, Inc., d/b/a Lufthansa German Airlines, a/k/a Deutsche Lufthansa Aktiengesellschaft (“Lufthansa”) is a commercial airline/air carrier, incorporated and headquartered in Germany, and registered to do business in the State of Texas, Texas Secretary of State Filing Number 800892046, with its registered agent for service of process being CT Corporation System, 1999 Bryan Street, Suite

900, Dallas, Texas 75201-3136, United States, and its principal office address being 1640 Hempstead Tpke, East Meadow, NY 11554, United States.

3. Lufthansa has a permanent presence, place of business, and ticketing office at Austin-Bergstrom International Airport (AUS) in Austin, Texas, United States, and operates Flight 469 as a daily non-stop flight from AUS to Frankfurt Airport (FRA) in Frankfurt, Germany.

### **JURISDICTION AND VENUE**

#### ***Subject matter jurisdiction***

4. Subject matter jurisdiction over this claim and the Defendant exists pursuant to 28 U.S.C. § 1331 and § 1367 in that this matter arises under a treaty of the United States of America – the Convention for the Unification of Certain Rules For International Carriage by Air, signed at Montreal, Canada, on May 28, 1999 (commonly known as, and referred to hereinafter as, “the Montreal Convention”), reprinted in S. Treaty Doc. No. 106-45, 2242 U.N.T.S. 309, 1999 WL 33292734, <https://treaties.un.org/doc/Publication/UNTS/Volume%202242/v2242.pdf> (last visited February 9, 2024).

5. The United States has treaty jurisdiction under the terms of the Montreal Convention in that the airline flight on which plaintiff was injured, Lufthansa Flight 469 (also sometimes referred to herein as “Lufthansa 469” or “Flight 469”), was an international flight, departing from the United States, with its scheduled destination in Germany and because: a) the U.S. resident plaintiff purchased his ticket from Lufthansa in the United States and Lufthansa issued his ticket in the United States where Lufthansa operates ticketing offices; and b) the United States is the principle and permanent residence of the plaintiff and Lufthansa operates passenger air services to and from the United States.

***Personal jurisdiction***

6. Specific (as well as general) jurisdiction exists in this action over Lufthansa which has a registered agent at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136, and also has a permanent presence and places of business and ticketing offices at Austin-Bergstrom International Airport (AUS), Dallas Fort Worth International Airport (DFW), and George Bush Intercontinental Airport (IAH), all in Texas, and conducts daily and regularly scheduled flights to and from AUS, DFW, and IAH in Texas.

7. Additionally, plaintiff Sidahmed purchased his ticket from Lufthansa in Texas, and Lufthansa issued his ticket in Texas. Sidahmed boarded Lufthansa Flight 469 at AUS in Texas. Lufthansa 469 departed from AUS in Texas, and the negligent acts and omissions of Lufthansa's Flight 469 flight crew during flight planning before takeoff while at AUS in Texas contributed to the accident which caused plaintiff's injuries.

8. Lufthansa purposefully avails itself of the privileges of conducting business and activities in Texas and intentionally cultivates a market in Texas that contributes substantially to its revenues, including by advertising in Texas and directing advertising to Texas residents regarding its nonstop flights to Frankfurt, Germany from AUS, DFW, and IAH, and selling tickets to Texas residents on such flights.

9. Lufthansa has sufficient minimum contacts with Texas such that the maintenance of this case in Texas does not offend traditional notions of fair play and substantial justice.

***Venue***

10. Venue is appropriate in the Western District of Texas under 28 U.S.C. § 1391(b) and (c).

**LUFTHANSA FLIGHT 469 (March 1, 2023)**

11. Lufthansa is a common carrier engaged in the business of transporting fare-paying passengers by air – in other words, a commercial airline.

12. Lufthansa operates Flight 469 as a nonstop international flight from AUS in Texas, United States, to FRA in Germany, using aircraft owned, leased, or controlled by Lufthansa and its employees and agents, that are piloted and operated and staffed by Lufthansa employees and agents, and with flight and weather planning by Lufthansa employees and agents, all of whom were acting within the scope of their employment by, and on behalf of, Lufthansa, with respect to Lufthansa Flight 469 on March 1, 2023 at all times material to this case and the allegations set forth below. The acts and omissions of Lufthansa as alleged herein, refer to and include the acts and omissions of said Lufthansa employees and agents.

13. Plaintiff Sidahmed purchased a ticket from, and was issued a ticket by Lufthansa in Texas for a seat on Lufthansa Flight 469 (“Lufthansa 469”) on March 1, 2023.

14. Sidahmed boarded Lufthansa Flight 469, an Airbus A330 aircraft, at AUS on March 1, 2023, and the flight departed AUS at approximately 5:09 p.m. CST, flying on a northeasterly heading en route to FRA in Germany.

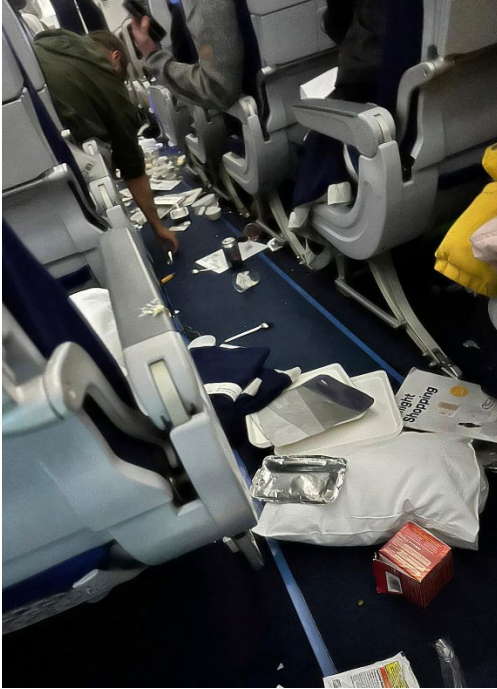
15. At around, or just over, an hour into the flight and while flying at cruising altitude of approximately 37,000 feet, and still over the United States, Lufthansa 469 flew into exceptionally strong, dangerous, severe, and extreme turbulence resulting in sudden large and abrupt changes in aircraft altitude and attitude, with large variations in airspeed, including a sudden drop and violent vertical aircraft oscillations, and violent aircraft jolting, shaking, and rocking, causing several passengers, including Sidahmed, to fly up out of their seats and slam against the cabin interior and seats, and throwing objects throughout the cabin.

16. As a result of being ejected from his seat from the sudden exceptionally strong, severe, and extreme turbulence, Sidahmed violently struck the cabin ceiling and was thrown violently back down to his seat, which resulted in serious injuries, including lumbar back fracture and disc herniation.

17. Lufthansa 469's flight crew failed to warn the passengers of any upcoming turbulence before the sudden violent, severe, and extreme turbulence that injured several passengers, including Sidahmed, or otherwise of any need to stay in their seats with their seatbelts fastened, and the seatbelt sign was not illuminated.

18. The following photographs show some of the disarray in the cabin after the severe and extreme turbulence encountered by Lufthansa 469:





19. The exceptionally strong, severe, and extreme turbulence encountered by Lufthansa 469, violently throwing passengers and objects about the cabin, resulting in the total cabin disarray captured in the above photographs, which Lufthansa acknowledged was “severe turbulence” in its flight crew’s communications with the FAA and air traffic control and in a statement Lufthansa issued after the flight, and which required an emergency landing so that injured passengers could get appropriate medical treatment, was an unexpected and an unusual event or happening in commercial air travel, and was an accident which caused Sidahmed’s injuries on board the aircraft during its scheduled flight for purposes of Article 17 of the Montreal Convention. The date of the accident was March 1, 2023 under Central Standard Time (CST) or Eastern Standard Time (EST). The date of the accident was March 2, 2023 under Coordinated Universal Time (UTC), the day/time used in some of the aviation weather products and radar flight path addressed below where indicated.

20. Despite the violence, magnitude, and severity of the turbulence and injuries to passengers, including Sidahmed, Lufthansa 469 continued flying on a northeasterly heading for over an hour before finally diverting for an emergency landing at Dulles International Airport (IAD) in Virginia.

21. Lufthansa 469 ultimately landed at IAD at approximately 9:10 p.m. EST (8:10 p.m. CST), which was approximately two hours after encountering the exceptionally strong, severe, and extreme turbulence which injured Sidahmed and other passengers.

22. Upon landing and before the Flight 469 passengers were able to disembark, Lufthansa instructed the passengers over the aircraft's loudspeaker to delete any photographs or videos they had taken during the flight of the event, or its aftermath. Lufthansa issued the instruction at least twice before the passengers were able to disembark. On information and belief, Lufthansa's instructions resulted in the destruction and loss of important evidence regarding the accident on Flight 469.

23. Following the flight, Lufthansa issued a statement acknowledging Lufthansa 469 had encountered "severe turbulence" during the flight.

24. At some point after the severe turbulence event and before the passengers had disembarked, Lufthansa's flight crew told the passengers over the loudspeaker that the flight had run into an unanticipated storm pattern over Tennessee.

25. However, the storm pattern over Tennessee and the potential for severe turbulence were not unanticipated, and Lufthansa's flight crew knew or should have known that it was flying into an area of storms with the potential for severe and dangerous turbulence that could result in serious physical injuries to Lufthansa 469 passengers.

26. The severe turbulence encountered by Lufthansa 469 was due to strong and severe thunderstorms along the flight path.

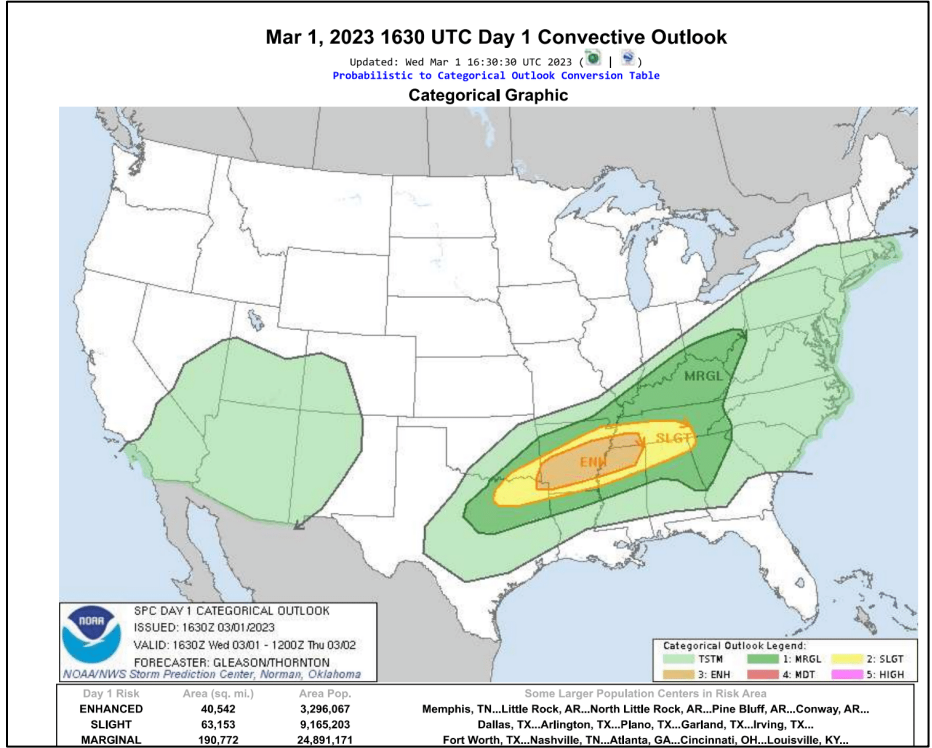
27. Thunderstorms are associated with turbulence. The FAA Aviation Weather Handbook states: “Turbulence is present in all thunderstorms, and severe or extreme turbulence is common. . . . Outside the cloud, shear turbulence has been encountered several thousand feet above and up to 20 mi laterally from a severe storm.”

28. Severe thunderstorms along Lufthansa 469’s flight path were accurately forecast several hours in advance of the flight and were ongoing in the region along and near the flight path prior to – and during – the time of the accident. Available information included:

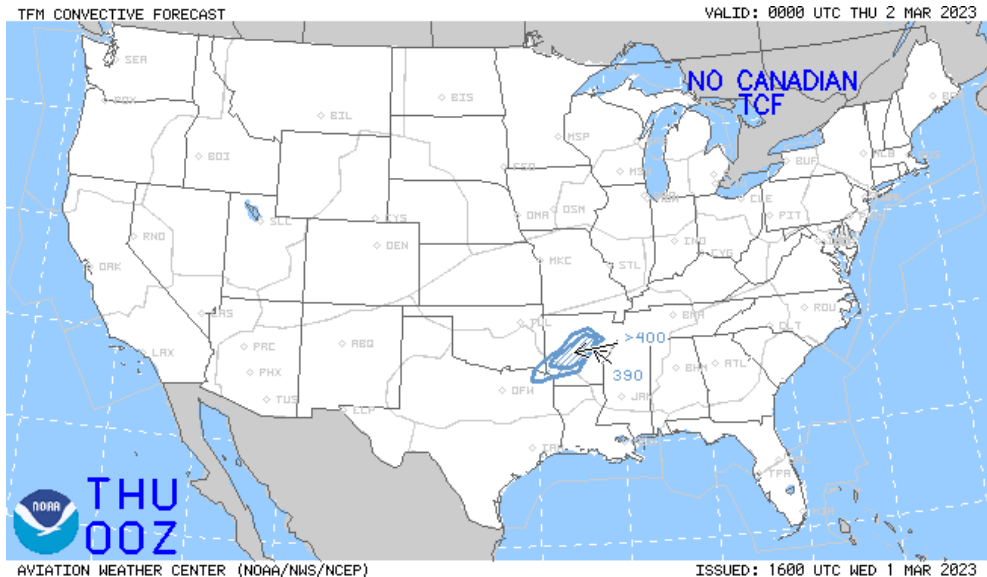
- National Weather Service (NWS) forecast organized thunderstorms along the flight path and where the accident occurred starting early morning on March 1, 2023. Additionally, (NWS) forecasts on February 28, 2023 also highlighted this region for thunderstorms on March 1, 2023.

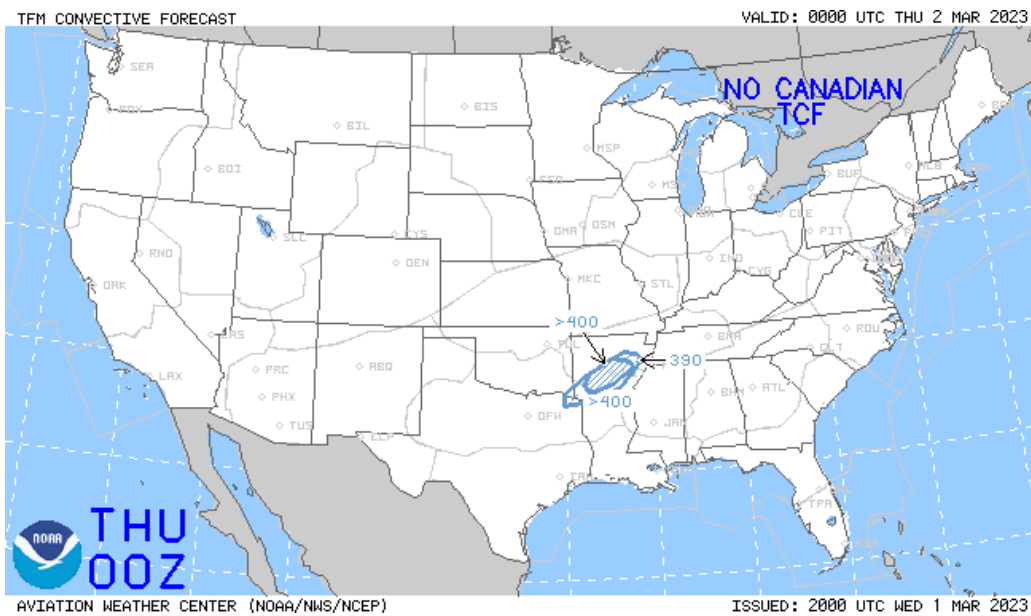
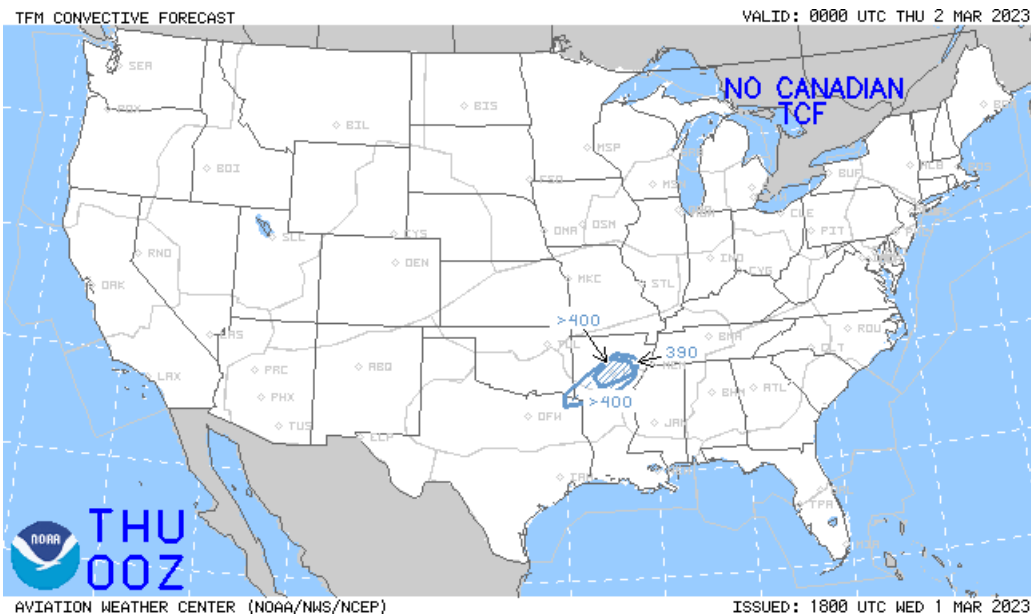
- The NWS Storm Prediction Center (SPC) convective outlook for March 1, 2023, forecast a large area of severe thunderstorms along a substantial portion of Lufthansa 469’s planned and actual flight path from northeast Texas through Kentucky, with the accident location falling within the area of greatest risk and severity, designated “ENH” (meaning numerous severe storms possible):





- The NWS Aviation Weather Center (AWC) TFM Convective Forecast, which is a collaborative forecast product between NWS and Airline meteorology departments, consistently projected thunderstorms along the flight path and where the accident occurred starting several hours in advance of Lufthansa 469's departure on the date of the accident:





- A Tornado Watch and an Aviation Tornado Watch, issued by the NWS SPC, were in effect for the region along the flight path in which the accident occurred from 3:30 p.m. to 10:00 p.m. CST on March 1, 2023:



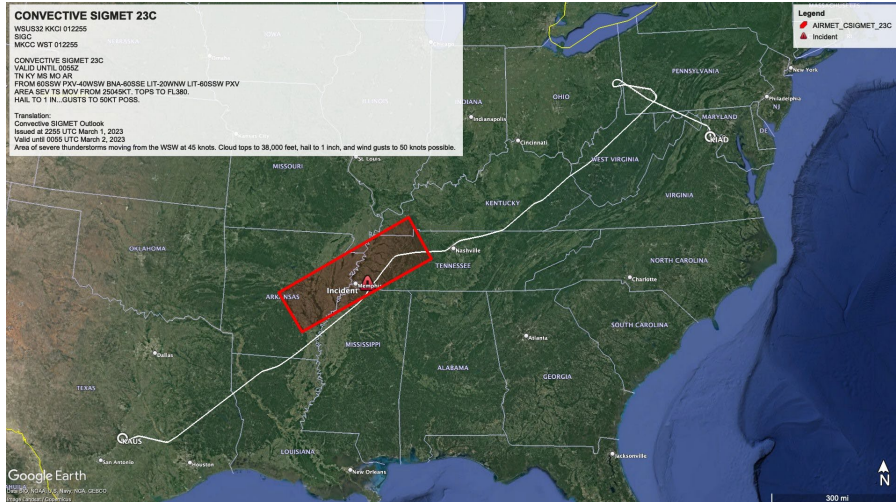
**Note:** The Aviation Watch (SAW) product is an approximation to the watch area. The actual watch is depicted by the shaded areas.

SAW8  
 WW 50 TORNADO AR MS OK TN TX 012130Z - 020400Z  
 AXIS..75 STATUTE MILES NORTH AND SOUTH OF LINE..  
 50NE TUP/TUPELO MS/ - 45SW DEQ/DE QUEEN AR/  
 ..AVIATION COORDS.. 65NM N/S /33W MSL - 44W TXK/  
 HAIL SURFACE AND ALOFT..3 INCHES. WIND GUSTS..60 KNOTS.  
 MAX TOPS TO 500. MEAN STORM MOTION VECTOR 25035.

LAT...LON 33688815 32509495 34669495 35878815

THIS IS AN APPROXIMATION TO THE WATCH AREA. FOR A COMPLETE DEPICTION OF THE WATCH SEE WOUS64 KWNS FOR WOU8.

- NWS AWC Convective SIGMETs were in effect for the region along the flight path in which the accident occurred, including for the accident time and location:

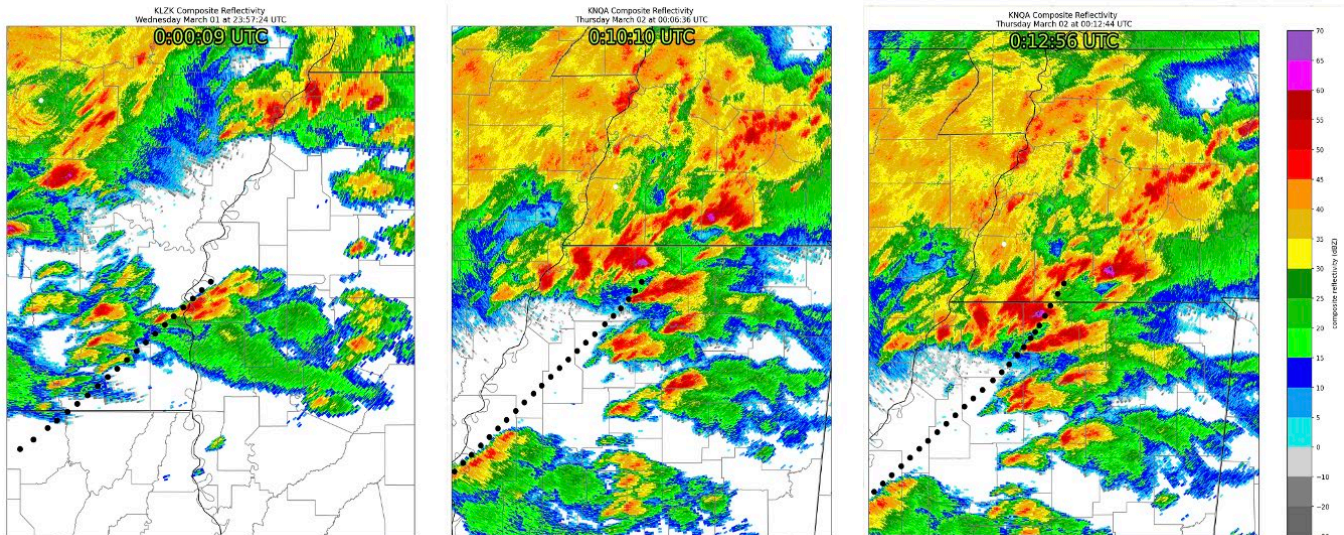


The NWS AWC states on its website: “Any convective SIGMET implies severe or greater turbulence . . . . A convective SIGMET may be issued for any convective situation which the forecaster feels is hazardous to all categories of aircraft.” The FAA Aeronautical Information Manual states the same.

- An AIRMET issued by the NWS AWC for moderate turbulence between 18,000 and 39,000 feet covered the region along the flight path in which the accident occurred.

- Weather radar showed strong thunderstorms stretching from Arkansas, Mississippi, Tennessee, and Kentucky, right along the planned and actual flight path of Lufthansa 469 on the date of the accident.

- The Weather radar clearly showed the planned and actual flight path of Lufthansa 469 as into an area of strong and severe thunderstorms. This would have and should have been apparent to the Lufthansa flight crew and Lufthansa personnel both during pre-flight planning and as the flight progressed, and the in the moments before the accident, it would have been readily apparent to the Lufthansa flight crew that they were piloting Lufthansa 469 into the area of strong and severe thunderstorms depicted on their weather radar, and which were called for in all of the forecasts:



29. Additionally multiple pilot reports (PIREPS) indicated moderate turbulence in the region of the accident beginning hours before Lufthansa 469 departed, and one PIREP indicated severe turbulence just prior to the accident.

30. On information and belief, Lufthansa also had ground personnel responsible for monitoring flight and weather conditions affecting Lufthansa 469 and communicating with the

flight crew on board the aircraft that would have included knowledge that the planned and actual flight path was directly into strong and severe thunderstorms with the possibility of severe or extreme turbulence.

31. During the early portion of the flight, Lufthansa 469's flight path on a northeasterly direction placed the flight on course to traverse the forecast, known, and radar-depicted area of strong and severe thunderstorms running in a northeasterly direction and extending across multiple bordering states. Lufthansa 469's flight crew would have and should have been aware of this and the potential for severe turbulence should the flight path enter into the storm areas, from all of the available weather forecast and current information, including as discussed above, and including radar information available to the pilots showing the position of Lufthansa 469 in relation to the strong and severe thunderstorms.

32. As Lufthansa 469 was approaching an hour since departure, it would have been apparent to Lufthansa 469's flight crew that the flight path would soon be heading directly into an area of strong and severe thunderstorms, with the potential for moderate, severe, or extreme turbulence, unless they altered the flight path to avoid flying directly over the, and into the area of, the strong/severe storms or took other appropriate evasive action.

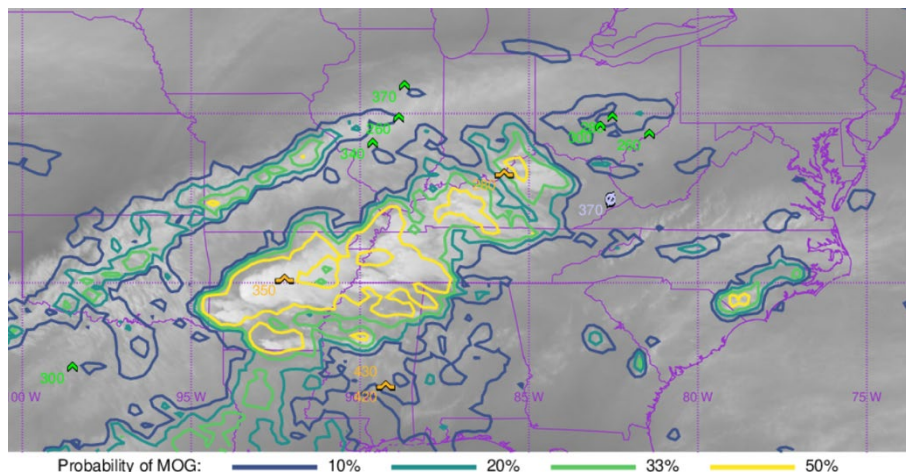
33. Lufthansa 469's flight crew instead elected to fly directly into the area of strong and severe thunderstorms with the potential for moderate, severe, or extreme turbulence, and without providing any warning to any of the Lufthansa 469 passengers regarding the potential for turbulence, or that they should stay seated with their seat belts fastened, and without activating the seatbelt sign.

34. As a result of Lufthansa's negligence, Lufthansa 469 encountered exceptionally strong turbulence that would at least fall under the category of "severe turbulence," and possibly

rose to the level of the “extreme turbulence” category, without any warning to the passengers, resulting in passengers being ejected from their seats and slamming against the cabin ceiling and walls, seats, and floors, and suffering serious physical injuries, including Sidahmed being thrown against the cabin and slammed back down into his seat, and also resulting in various objects being thrown and scattered throughout the cabin, as depicted in the photographs above.

35. There is no dispute the exceptionally strong turbulence encountered by Lufthansa 469 was at least severe turbulence. Following the event, Lufthansa’s flight crew reported to the FAA and air traffic control that the aircraft had encountered “severe” turbulence. Additionally, after the flight, Lufthansa issued a statement acknowledging Lufthansa 469 had encountered “severe turbulence.”

36. The CIMSS Turbulence Product for the time just minutes before the accident also showed a 50% probability of moderate or greater (MOG) turbulence at the flight level of Lufthansa 469 (36,000-37,000 feet) right in the area where the accident occurred:



### **CLAIM FOR RELIEF UNDER THE MONTREAL CONVENTION**

37. Plaintiff incorporates by reference the allegations set forth in paragraphs 1 through 36 above.

38. Pursuant to Article 17(1) of the Montreal Convention, Lufthansa is liable for damages sustained by Sidahmed as the result of bodily injury he sustained while a passenger on board Lufthansa Flight 469 as a result of the exceptionally strong, and severe or extreme turbulence, which constituted an accident under the Convention.

39. Under Article 21(2) of the Montreal Convention a defendant may limit its damages to a maximum of 128,821 Special Drawing Rights (SDRs) (originally, 100,000 SDRs, and increased to 128,821 SDRs on December 28, 2019, [https://www.icao.int/secretariat/legal/Pages/2019\\_Revised\\_Limits\\_of\\_Liability\\_Under\\_the\\_Montreal\\_Convention\\_1999.aspx](https://www.icao.int/secretariat/legal/Pages/2019_Revised_Limits_of_Liability_Under_the_Montreal_Convention_1999.aspx), last accessed February 9, 2024) per passenger if it proves:

a) such damage was not due to the negligence or other wrongful act or omission of the carrier or its servants or agents; or

b) such damage was solely due to the negligence or other wrongful act or omission of a third party.

Defendant Lufthansa cannot prove either. Lufthansa was negligent, and the negligence of Lufthansa was the proximate and legal cause of plaintiff Sidahmed's injuries and damages, and Sidahmed's injuries and damages were not solely due to the negligence or wrongful act or omission of a third party.

40. Plaintiff Sidahmed suffered serious physical injuries and incurred substantial damages as a result of the accident while on board Lufthansa Flight 469. Sidahmed's injuries included lumbar back fracture and disc herniation. Sidahmed is entitled to have certain elements and categories of damages considered separately and individually to determine the total sum of money that will fairly and reasonably compensate him for his injuries, damages, and past, current, and future losses, including: out of pocket expenses; reasonable and necessary medical expenses;



lost income and earnings; loss of earning capacity; physical pain and suffering; mental anguish; loss of enjoyment of life; and physical impairment.

WHEREFORE, plaintiff Elwaleed Sidahmed seeks judgment against the defendant in an amount to fully and fairly compensate him for his injuries and damages as determined by a jury, for the costs of this action, for interest allowed by law, and for other just and proper relief.

**JURY DEMAND**

Plaintiff Elwaleed Sidahmed demands a trial by jury pursuant to Federal Rule of Civil Procedure 38.

DATED this 13<sup>th</sup> day of February, 2024.

Respectfully submitted,

ATTORNEYS FOR PLAINTIFF

BY: /s/ Josh W. Hopkins

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**CIVIL COVER SHEET**

JS 44 (Rev. 04/21)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p><b>I. (a) PLAINTIFFS</b></p> <p style="text-align: center;">Elwaleed Sidahmed</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff <u>Travis</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p><b>(c)</b> Attorneys <i>(Firm Name, Address, and Telephone Number)</i></p> <p style="text-align: center;">Josh W. Hopkins, HERRMAN &amp; HERRMAN, PLLC, 1201 Third St., Corpus Christi, Texas 78404 (361)</p>	<p><b>DEFENDANTS</b></p> <p style="text-align: center;">Deutsche Lufthansa, A.G., Inc., d/b/a Lufthansa German Airlines Inc. d/b/a Lufthansa German Airlines a/k/a County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p style="text-align: center;">Attorneys <i>(If Known)</i></p>
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<p><b>II. BASIS OF JURISDICTION</b> <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:40%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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**IV. NATURE OF SUIT** *(Place an "X" in One Box Only)* Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p><b>PERSONAL INJURY</b></p> <input checked="" type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p><b>PERSONAL INJURY</b></p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p><b>PERSONAL PROPERTY</b></p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p style="text-align: center;"><b>INTELLECTUAL PROPERTY RIGHTS</b></p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <p style="text-align: center;"><b>SOCIAL SECURITY</b></p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p style="text-align: center;"><b>FEDERAL TAX SUITS</b></p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	IMMIGRATION	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p><b>Habeas Corpus:</b></p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p><b>Other:</b></p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN** *(Place an "X" in One Box Only)*

1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from Another District *(specify)*  
  6 Multidistrict Litigation - Transfer  
  8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*  
 The Montreal Convention

Brief description of cause:  
 Defendants failure to warn passengers of any upcoming turbulence or of any need to stay in their seats with their seatbelts fastened.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.      **DEMAND \$** \_\_\_\_\_  
 All compensatory dam: \_\_\_\_\_

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes    No

**VIII. RELATED CASE(S) IF ANY** *(See instructions):*

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: February 16, 2024

SIGNATURE OF ATTORNEY OF RECORD:

Name: Josh W. Hopkins

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFF \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_