

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil No.: SA-24-CV-603
)	
HEATHER WELLS,)	
)	
Defendant.)	

ORIGINAL COMPLAINT

THE UNITED STATES OF AMERICA (“the United States”), for itself and on behalf of its agency the Federal Aviation Administration (“FAA”), an operating administration of the United States Department of Transportation (“DOT”), respectfully shows as follows:

1. This is a case for the enforcement of civil penalties in the amount of \$81,950 initiated by the FAA pursuant to 49 U.S.C. §§ 46301(a) and 46318(a), arising out of Defendant’s conduct on a domestic commercial flight.
2. The Court has original jurisdiction over all civil actions commenced by the United States pursuant to 28 U.S.C. §§ 1345 and 1355. Further, the Court has exclusive jurisdiction over civil actions for the enforcement of penalties initiated by the FAA in excess of \$50,000 pursuant to 49 U.S.C. §§ 46107; 46301(d)(4); 46305.
3. The Court has personal jurisdiction over Defendant, and venue is proper, since Defendant resides, conducts business and works in the Western District of Texas pursuant to 28 U.S.C. §§ 1391 (b)(1), 1395(a); 49 U.S.C. §§ 46106, 46107(a).
4. Defendant may be served with summons pursuant to Fed. R. Civ. P. 4(e) in San Antonio, Texas, 78254.

5. On or about July 7, 2021, Defendant was a first-class passenger aboard American Airlines Flight 1774 from Dallas/Fort Worth International Airport (“DFW”) in Tarrant County, Texas, to Charlotte Douglas International Airport (“CLT”) in Charlotte, North Carolina (“the flight”).

6. Over an hour into the flight, and after ordering a Jack Daniels (neat) during the beverage service, Defendant became increasingly agitated and “wanted out” of the plane. She left her seat and began moving and/or running toward the rear of the aircraft, before going to her knees in the aisle. She remained there shortly, talking incoherently to passengers, before crawling back toward the main cabin.

7. When a flight attendant responded, Defendant became verbally aggressive and told the flight attendant that she would “hurt him” if he didn’t get out of her way. She then pushed the flight attendant aside and moved to the front of the aircraft.

8. When Defendant reached the front of the aircraft, she lunged toward and attempted to grab the handle and to the front cabin door while the aircraft was in-flight, all the while screaming and yelling profanities. This necessitated two flight attendants and a passenger to physically restrain her. During this struggle, she struck a flight attendant in the head multiple times.

9. Ultimately, the flight attendants and passenger were able to restrain Defendant with duct tape and flex cuffs and get her seated. After she was seated, Defendant continued to kick and spit and attempted to bite and head butt a flight attendant and passengers. This necessitated Defendant to be further restrained to her seat by tape, along with her mouth, but even this was ineffective to stop her from screaming and cursing throughout the remainder of the flight.

10. After consulting with the flight crew, the captain decided to continue to their destination CLT since they were closer to resolution by doing so, rather than diverting. Law enforcement was alerted to be ready upon landing. The captain had to make an announcement and the aircraft lavatories were locked.

11. Upon arrival while taxiing, Defendant worked her feet free and was kicking violently. This required yet another intervention by a flight attendant and passenger and more restraint.

12. Law enforcement boarded the aircraft and Defendant was still aggressive and shouting. It was decided for safety purposes to deplane all passengers before attempting to remove Defendant. Defendant continued to violently kick and broke the seat in front of her. Ultimately, Defendant had to be sedated to be removed from the aircraft by law enforcement and medical responders.

13. As a result of Defendant's conduct, one or more crewmembers had to divert from their normal duties to address her actions for their safety and passengers on the flight. The flight was operated under 14 C.F.R. part 121 of the Federal Aviation Regulations. Defendant's actions:

- a. Interfered with one or more crewmembers in the performance of their duties aboard an aircraft;
- b. Threatened a crewmember in the performance of the crewmember's duties aboard an aircraft;
- c. Constituted a threatened, attempted and actual physical assault on a crewmember in the performance of the crewmember's duties aboard an aircraft;
- d. Constituted a threatened, attempted and actual physical assault of another individual on the aircraft; and
- e. Posed an imminent threat to the safety of the aircraft or other individuals on the aircraft.

14. Defendant violated 14 C.F.R. § 121.580, which states that no person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated under this part.

15. Defendant further violated 49 U.S.C. § 46318(a), which provides a civil penalty for an individual who physically assaults or threatens to physically assault a member of the flight crew or cabin crew of a civil aircraft or any other individual on the aircraft, or takes any action that poses an imminent threat to the safety of the aircraft or other individuals on the aircraft

16. Pursuant to 49 U.S.C. § 46301(a)(5)(A) and the applicable inflation adjustments required by 14 C.F.R. § 13.301, and pursuant to the guidance found in the FAA's published Order 2150.3C, Ch. 9 Legal Enforcement Sanction Policy, Defendant is liable for a civil penalty of \$15,000 for each act resulting in a violation, for a total not to exceed \$45,000 for 1) threatening, 2) hitting and 3) spitting/attempting to kick/head butt flight crew and passengers. Defendant is liable for a civil penalty not to exceed \$27,950 for attempting to open the cabin door in-flight. Defendant is liable for a civil penalty not to exceed \$9,000 for interfering with the performance of crew member's duties. These penalties together total \$81,950 and are less than the maximum amounts provided for these serious violations.

17. All conditions precedent to the filing of this lawsuit have occurred or have been met. This lawsuit is timely filed pursuant to 28 U.S.C. § 2462.

WHEREFORE, the United States respectfully requests judgment in favor of the United States against Defendant for all relief requested herein, together with all recoverable attorney's fees, costs and expenses, pre and post judgment interest as allowed by law, and such other and further relief to which the United States may be entitled.

Dated:

Respectfully submitted,

Jaime Esparza
United States Attorney

By: /s/ Darryl S. Vereen
Darryl S. Vereen
Assistant United States Attorney
Texas Bar No. 00785148
darryl.vereen@usdoj.gov
601 NW Loop 410, Suite 600
San Antonio, Texas 78216-5597
Tel. (210) 384-7170
Fax. (210) 384-7358

Attorneys for the United States