

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR MULTNOMAH COUNTY

BRANDON FISHER, an individual,  
  
Plaintiff,

v.

THE BOEING COMPANY; SPIRIT  
AEROSYSTEMS, INC.; and SPIRIT  
AEROSYSTEMS HOLDINGS, INC.;  
  
Defendants.

**Case No.**

**COMPLAINT**

**(Personal Injury; Negligence; Strict  
Products Liability; Breach of Warranty;  
Emotional Distress; Defamation)**

**JURY TRIAL DEMANDED**

**Claim Not Subject to Mandatory  
Arbitration (UTCRC 13.060)**

**Prayer: \$10,000,000  
ORS 21.160(1)(e)  
Filing Fee: \$1,178.00**

**PRELIMINARY STATEMENT**

Tragedy was avoided on the evening of January 5, 2024, when the pilots of Alaska Airlines (“AS”) Flight 1282 safely landed the Boeing 737 MAX-9 aircraft after the catastrophic failure of a door plug which blew a hole in the side of the aircraft mid-flight. The pilot in command, Captain Brandon Fisher (“Plaintiff” or “Captain Fisher”), and his first officer, Emily Wiprud (“First Officer Wiprud”), landed the aircraft safely despite harrowing circumstances in the cockpit. They should have been hailed as heroes. Instead, The Boeing Company (“Boeing”) attempted to shift blame, intentionally and falsely claiming that Captain Fisher and First Officer Wiprud made mistakes that contributed to the incident. Boeing’s reaction betrayed the lack of

COMPLAINT FOR DAMAGES  
AND DEMAND FOR JURY TRIAL - 1

LEGAL\112316370\1

LAW OFFICES OF  
**COZEN O’CONNOR**  
A PROFESSIONAL CORPORATION  
SUITE 1900  
999 THIRD AVENUE  
SEATTLE, WASHINGTON 98104  
(206) 340-1000  
**ALM LAW FIRM RADAR**

1 corporate integrity that has become all too clear in the wake of other recent, and often deadly,  
2 manufacturing mistakes. Boeing’s actions have had a dramatic and life-altering impact on  
3 Captain Fisher. Captain Fisher brings this suit to hold Boeing and its complicit subcontractor,  
4 Spirit AeroSystems Holdings, Inc. (“Spirit AeroSystems”)<sup>1</sup> accountable for what they have  
5 done to him and the danger that their actions posed to the public. In the absence of integrity,  
6 Boeing and Spirit AeroSystems must find consequence.

## 7 I. INTRODUCTION

8 1. This lawsuit arises out of the explosive decompression event that occurred  
9 aboard AS Flight 1282 on the evening of January 5, 2024, during the aircraft’s departure from  
10 Portland International Airport in Portland, Oregon.

11 2. While the aircraft ascended to nearly 16,000 feet, its left-side mid-exit door plug  
12 (“MED plug”), which is a component of an airplane’s fuselage, blew out and exited into the  
13 night sky, subsequently causing countless injuries and intense fear amongst the 171 passengers  
14 onboard the Ontario, California-bound aircraft.

15 3. The aircraft involved was a newly manufactured Boeing 737 MAX-9 bearing  
16 serial number 67501 and registered as N704AL. Boeing constructed the aircraft, and Spirit  
17 AeroSystems provided key component parts, including the mid-exit door plug.

18 4. Unbeknownst to Captain Brandon Fisher, who was the Pilot in Command, or  
19 any of the passengers onboard, the Defendants’ negligence and systemic failures resulted in the  
20 creation of an unsafe aircraft not fit for flight, culminating in the horrific decompression event  
21 shortly after takeoff.

22 5. But for Captain Fisher’s heroism and immense display of composure under  
23 pressure, the outcome would have been catastrophic. Instead, Captain Fisher and First Officer  
24

25  
26 

---

<sup>1</sup> For purposes of brevity, the Complaint will refer to Spirit AeroSystems, Inc. and Spirit AeroSystems Holdings, Inc. collectively as “Spirit AeroSystems.”





1 through others: was engaged in continuous and systematic activities in Oregon; was engaged in  
2 activities related to the AS Flight 1282 incident; transacted business in Oregon; committed  
3 tortious acts within Oregon related to the AS Flight 1282 incident; committed tortious acts  
4 outside Oregon that caused injury to persons and property in Oregon related to the AS Flight  
5 1282 incident; regularly does, and solicits, business and engages in other persistent conduct,  
6 and derives substantial revenue from goods used in Oregon; should reasonably expect its acts  
7 to have consequences in Oregon; derives substantial revenue from interstate and international  
8 commerce; has employees in Oregon; and owns, uses, or possesses real property in Oregon.  
9 Personal jurisdiction of Boeing in Oregon comports with due process.

10 17. Boeing is also subject to personal jurisdiction in that:

- 11 a. Boeing purposefully directs its activities in the state of Oregon and purposefully  
12 avails itself of the privilege of conducting business in the state of Oregon,  
13 thereby invoking the benefits and protections of its laws, including by:
- 14 i. manufacturing every one of its commercial airliners, to a substantial extent,  
15 in Oregon at Boeing owned and operated manufacturing facilities that  
16 Boeing has invested many millions of dollars in to make them able to  
17 produce at unprecedented volume and scale that was critical to Boeing's  
18 survival as a company and its great success in generating enormous revenues  
19 and profits over the past fifteen years,
  - 20 ii. manufacturing the subject aircraft, to a substantial extent, in Oregon at such  
21 Boeing owned and operated manufacturing facilities, and
  - 22 iii. purposefully and intentionally cultivating the substantial demand for Boeing  
23 commercial airliners fueled by the Oregon resident customers utilizing  
24 Portland International Airport;
- 25 b. Plaintiff's claims herein for the injuries and damages he suffered as a result of  
26 the door plug blow out while flying in Oregon airspace as the pilot of AS Flight  
1282 on January 5, 2024, when the subject aircraft, which Boeing had  
manufactured to a substantial extent in Oregon at Boeing owned and operated  
manufacturing facilities which are critical to Boeing's commercial airliner  
manufacturing operations, and which had departed Portland International  
Airport on one of the expected flight routes to and from Portland International  
Airport fueled by Oregon resident demand which Boeing cultivated and  
accounted for approximately 25% of the subject aircraft's flights in service of  
this Oregon customer demand, arise out of and relate to Boeing's Oregon-related  
activities; and



1 Spirit AeroSystems partially manufactures, fueled by the Oregon resident  
2 customers utilizing Portland International Airport.

3 b. Plaintiff's claims herein for the injuries and damages he suffered as a result of  
4 the door plug blow out while flying in Oregon airspace as the pilot of AS Flight  
5 1282 on January 5, 2024, when the subject aircraft, which Spirit AeroSystems  
6 had manufactured to a substantial extent in Oregon with Boeing at Boeing's  
7 Oregon manufacturing facilities, and which had departed Portland International  
8 Airport on one of the expected flight routes to and from Portland International  
9 Airport fueled by Oregon resident demand which Spirit AeroSystems, in  
10 partnership with Boeing, and which accounted for approximately 25% of the  
11 subject aircraft's flights in service of this Oregon customer demand, arise out of  
12 and relate to Boeing's Oregon-related activities; and

13 c. the exercise of jurisdiction over Spirit AeroSystems is reasonable, given its  
14 extensive and substantial presence in Oregon, where it is registered to conduct  
15 business, and comports with fair play and substantial justice.

16 20. Venue is proper in Multnomah County because Plaintiff's injuries arose in  
17 Multnomah County and because at least some of Defendants' wrongful conduct occurred in  
18 Multnomah County.

19 21. Plaintiff requests application of Oregon law pursuant to ORS 15.440(3)(c).

#### 20 IV. GENERAL ALLEGATIONS

##### 21 History of the Boeing 737 and Subsequent Iterations

22 22. Boeing developed the Boeing 737 as a cost-effective twin-engine passenger  
23 airliner that would succeed the three-engine Boeing 727. Although the Boeing 737 was  
24 originally intended for routes between 50 and 1,000 miles, the Boeing 737-100 was certified  
25 for commercial flight on December 15, 1967. On December 21, 1967, the Boeing 737-200  
26 received certification and entered service on February 10, 1968.

27 23. Boeing launched the 737-300, 737-400, and 737-500 iterations in the 1980s,  
28 focusing on improvements to more modern specifications and increased capacity and range.  
29 Notably, these iterations featured a lengthened fuselage to accommodate more passengers.

30 24. Subsequently, Boeing developed the 737-600/700/800/900 series, which it  
31 deemed part of the 737 Next Generation (NG) program. The first Boeing 737-700 and 737-800  
32 had their nascent flights on February 9, 1997, and July 31, 1997, respectively.





1 737 operated as Southwest Airlines Flight 1380 died after he was partially ejected through a  
2 hole in the fuselage.

3 37. This non-isolated pattern of explosive decompression events were known to  
4 Boeing and Spirit AeroSystems well before the manufacture of the subject aircraft's fuselage  
5 in September 2023 and subject incident involving AS Flight 1282 on January 5, 2024.

6 **Manufacturing of Fuselage by Spirit AeroSystems**

7 38. Following Boeing's increased outsourcing efforts that commenced in 2005,  
8 Spirit AeroSystems quickly became Boeing's main manufacturer of fuselage for the 737  
9 aircraft. Under this arrangement, Spirit AeroSystems would construct the fuselage and then  
10 send it to Boeing to complete production of its aircraft.

11 39. Boeing knew or should have known about pervasive and systematic quality  
12 failures and production defects of which Spirit Aerosystems was already aware.

13 40. Tom Gentile ("Gentile"), Spirit AeroSystems' former CEO, faced intense  
14 scrutiny in September 2023 regarding mis-drilled holes on the Boeing 737 aft bulkhead. Gentile  
15 issued a public statement acknowledging these defects on September 7, 2023, and his  
16 company's efforts to fix them. Although Boeing was aware of these design flaws, it took no  
17 corrective action. Gentile resigned in October 2023.

18 41. The aircraft operated as AS Flight 1282 featured a left-side MED plug installed  
19 and pre-rigged by Spirit AeroSystems in Wichita, Kansas, on or around July 18, 2023, on  
20 Fuselage Line 8789.

21 42. Spirit AeroSystems closed the left-side MED plug on July 23, 2023, and shipped  
22 the fuselage to Boeing on August 20, 2023.

23 43. When the fuselage arrived at Boeing eleven days later, it entered production  
24 immediately.

25 44. Throughout this time, Spirit AeroSystems used unconventional installation  
26 methods, including the use of non-conforming lubricants. The most dangerous and rudimentary

1 practice was utilizing Vaseline and dish soap during the installation of MED plugs, which was  
2 the case with the subject aircraft.

3 45. Aware of its failures to prevent quality control issues, Spirit AeroSystems  
4 employed numerous personnel at Boeing's facility to address fuselage-related production  
5 issues.

6 46. Spirit AeroSystems's onsite employees at Boeing were trained on both Boeing  
7 and Spirit AeroSystems' processes and procedures, including, *inter alia*, the Boeing Quality  
8 Management Systems (QMS) and Boeing Standard Methods for Inspection. Boeing directed  
9 all fuselage-related work performed by Spirit AeroSystems to adhere to Boeing's Quality  
10 Management System.

11 47. When Boeing performed its final inspection of the subject aircraft prior to  
12 completing its assembly, it identified five discrepant rivets on the frame of the aircraft's left-  
13 side MED plug.

14 48. Two days later, Boeing identified non-conforming tool damage in the frame of  
15 the left-side MED plug. No evidence suggests Boeing took disciplinary action over this major  
16 flaw.

17 49. Shockingly, Spirit AeroSystems painted over the discrepant rivets to give off the  
18 illusion they had been removed or replaced, as opposed to taking the corrective action of  
19 actually removing and replacing the discrepant rivets. Spirit AeroSystems falsely and  
20 fraudulently transcribed that it had removed and replaced the discrepant rivets.

21 50. Internal documentation from Boeing shows that it discovered Spirit  
22 AeroSystems' failure to replace the rivets. Again, no evidence suggests Boeing took  
23 disciplinary action upon discovery of this fraudulent conduct and non-conforming work  
24 process.

25 51. Boeing personnel inspected the damaged rivets again and deemed them not  
26 suitable pursuant to its specifications, emphasizing that they needed to be removed and





1           70.     The subject aircraft entered revenue service with Alaska Airlines on November  
2 11, 2023.

3 **Captain Fisher's Heroism and AS Flight 1282**

4           71.     AS Flight 1282 had an intended flight path from Portland International Airport  
5 in Portland, Oregon, to Ontario International Airport in Ontario, California, on January 5, 2024.

6           72.     Captain Fisher was the pilot flying AS Flight 1282, and his First Officer was  
7 Emily Wiprud.

8           73.     The planned departure time was 16:40 PST. Captain Fisher and First Officer  
9 Wiprud completed their preflight briefing and initiated an uneventful departure at 17:06 PST.

10          74.     Approximately 6 minutes later, the cabin pressure dropped from 14.09 to 11.64  
11 pounds per square inch, indicating the cabin was under-pressurized.

12          75.     When the aircraft reached an altitude of 16,000 feet at or around 17:14 PST, the  
13 left-side MED plug separated from the aircraft, causing an explosive decompression event.

14          76.     Captain Fisher's face was forced into the heads up display with his headset  
15 dislodged and pushed to the very top of his head. He then heard the Cabin Altitude Warning  
16 horn and a loud external noise which turned out to be the Flight Deck Door slamming open.

17          77.     The immediate pressure change caused his ears to pop. Meanwhile, a flight  
18 attendant who had previously been thrown to the floor stood up and closed the Flight Deck  
19 Door.

20          78.     Amidst the tremendous amount of noise on the flight deck, Captain Fisher and  
21 First Officer Wiprud immediately donned oxygen masks, and Captain Fisher asked First Officer  
22 Wiprud to obtain a lower altitude from air traffic control.

23          79.     Captain Fisher was rightfully concerned about possible traffic in the area and  
24 wanted air traffic control to be aware of his intentions to keep the aircraft separated from  
25 potential traffic. This foresight amidst chaotic circumstances beyond his control prevented the  
26 situation from becoming worse.

1           80.     Captain Fisher successfully balanced three high-stakes objectives: (1) trying to  
2 land the defective aircraft; (2) avoiding a traffic conflict; and (3) preventing a serious injury to  
3 a flight attendant who might be out of his or her seat attending to passengers.

4           81.     While First Officer Wiprud was declaring an emergency, Captain Fisher  
5 disconnected the autopilot and began a controlled descent to 10,000 feet.

6           82.     During the descent, Captain Fisher called for the Rapid Depressurization quick  
7 reference checklist (QRC) and re-engaged the autopilot.

8           83.     The QRC had flown out of its holder and could not be found, thus prompting  
9 Captain Fisher to hand First Officer Wiprud the quick reference handbook, which contained the  
10 QRC Rapid Depressurizations procedures.

11          84.     Around this time, air traffic control provided a heading of 340 degrees.

12          85.     Captain Fisher heard the flight attendants talking about a hole in the fuselage by  
13 listening to the cabin interphone. He tried to communicate with the flight attendants several  
14 times but was unsuccessful.

15          86.     Shortly after rolling to the 340-degree heading, Captain Fisher was able to see  
16 Portland International Airport (PDX). The rapid depressurization checklist was completed to  
17 the emergency descent portion.

18          87.     Captain Fisher then instructed First Officer Wiprud to discontinue the checklist  
19 and prepare the Instrument Landing System for approach for Runway 28.

20          88.     Given that the plane had a hole in the fuselage and other potential damage,  
21 Captain Fisher's priority was landing the plane as soon as possible.

22          89.     Captain Fisher and First Officer Wiprud proceeded towards and successfully  
23 landed at PDX on Runway 28L

24          90.     They taxied to Gate C5, where Airport Fire and Rescue was waiting for them.  
25 They then shut the plane down, and Captain Fisher exited the flight deck.

1           91.     The first piece of information Captain Fisher heard on the ground from a flight  
2 attendant was that someone was missing. As it turned out, the young individual seated in 25A  
3 whose shirt had ripped off had moved to another seat unbeknownst to the flight attendants.

4           92.     This report initially shocked and devastated Captain Fisher, but due to his  
5 heroism in executing a perfect landing in treacherous circumstances, both passenger counts  
6 came back with the same number of souls of on board that the flight had departed with.

7           93.     Medics tended to four injured passengers seated around Row 26, near the hole  
8 in the fuselage.

9           94.     Captain Fisher was suffering from significant ear pain caused by the sudden  
10 decompression in the cockpit.

11          95.     Boeing’s failure to properly supervise Spirit AeroSystems led to improper  
12 assembly of the MED plug that blew out during the flight. Specifically, unqualified installation  
13 personnel had failed to install all of the necessary bolts to the door.

14          **Subsequent Investigation and Boeing’s Scapegoating**

15          96.     The post-accident investigation consumed much of Captain Fisher’s emotional  
16 and physical energy.

17          97.     Compounding Captain Fisher’s emotional distress was Boeing’s reprehensible  
18 and inaccurate statement contained in a federal court pleading filed on March 11, 2024.

19          98.     On this date, Boeing filed its answer to an amended complaint in a class action  
20 brought by Elna Berry and other passengers who were onboard AS Flight 1282. When asserting  
21 its fifth “defense” found on page 16 of its answer, Boeing denied liability for damages to  
22 passengers, claiming that it should not be held responsible for injuries because its products were  
23 “improperly maintained or misused by persons and/or entities other than Boeing.” Boeing knew  
24 this statement was false at the time it was made, but made it anyway as part of its often-used  
25 post-accident strategy to blame pilots for incidents caused solely by its own actions.



1           106. The Department of Justice ultimately opened a criminal investigation against  
2 Boeing. The investigation is ongoing.

3           107. Contrary to Boeing’s spin-doctoring, the sole cause of the accident was the in-  
4 flight separation of the left MED plug due to Boeing’s failure to provide adequate training,  
5 guidance, and oversight necessary to ensure that manufacturing personnel could consistently  
6 and correctly comply with its parts removal process, which was intended to document and  
7 ensure that the securing bolts and hardware that were removed from the left MED plug to  
8 facilitate rework during the manufacturing process were reinstalled.

9 **Physical and Emotional Impact on Captain Fisher**

10           108. On May 28, 2025, Captain Fisher was notified that he had been sued by two  
11 passengers on AS Flight 1282 in their case against Boeing.

12           109. Although Captain Fisher remains a well-respected member of the aviation  
13 community and is correctly regarded as a hero, despite his wishes not to be named one, the time  
14 and effort to deal with this lawsuit has caused him severe emotional distress and has been  
15 detrimental to his personal life. Captain Fisher has endured profound physical and mental  
16 repercussions from the accident, effects that serve as a constant reminder of what happened.

17           110. Captain Fisher still thinks about the troubling events that occurred during flight  
18 and how the failures of Boeing and Spirit AeroSystems nearly cost the lives of every passenger.

19           111. Captain Fisher has also endured lasting physical consequences from the  
20 accident. While still a fit individual, his level of stamina in his day-to-day life, including during  
21 his favorite hobby of biking, and other activities has declined in stark contrast to his pre-  
22 accident condition. This deterioration is a tangible, physical manifestation resulting from his  
23 emotional injuries and which he continues to bear.

24           112. Implicit in the litigation that has arisen as a result of this incident is the criticism  
25 Boeing fostered against Captain Fisher. Captain Fisher has had to constantly address questions  
26 about his conduct that were born of Boeing’s inaccurate and accusatory statements.



1           118. Defendant Boeing negligently, recklessly, wantonly, carelessly, maliciously,  
2 and/or unlawfully failed to exercise reasonable care in the design, manufacture, marketing, sale,  
3 distribution, inspection, and/or repair of the 737 MAX-9 and/or its component parts and/or  
4 component products, including but not limited to the MED plug and the attendant hardware,  
5 fixtures, components, and products that were used or were intended to be used to secure the  
6 MED plug onboard AS Flight 1282, thereby creating an unreasonable risk of harm to Plaintiff  
7 and others.

8           119. Defendant Boeing's negligent acts or omissions unreasonably created a  
9 foreseeable risk of harm, injury, and death to the public, the flying public, and to Plaintiff.

10           120. Some or all of the negligent acts or omissions were committed in a willful or  
11 wanton manner, with reckless indifference, and/or with a reckless and outrageous indifference  
12 to a highly unreasonable risk of harm and with a conscious indifference to the health, safety,  
13 and welfare of others.

14           121. Some or all of the aforementioned negligent acts or omissions were committed  
15 in concert or pursuant to a common design with Spirit AeroSystems.

16           122. Defendant Boeing's negligence was a substantial factor in causing, and a direct  
17 and proximate cause of, the harm and injuries suffered by Plaintiff, and his resulting damages,  
18 including but not limited to physical injuries, pain and suffering, emotional distress, mental  
19 suffering, and loss of enjoyment of life.

20           **VI. SECOND CAUSE OF ACTION – Negligent Training and Supervision (Boeing)**

21           123. Plaintiff reincorporates and realleges each of the paragraphs above as though  
22 fully set forth herein.

23           124. Plaintiff pleads the allegations in this Count in the alternative and without  
24 prejudice to any other Counts or allegations.

25           125. Boeing's conduct unreasonably created a foreseeable risk to a protected interest  
26 of the kind of harm that befell Plaintiff.



1           136. All times relevant, the subject aircraft and its left MED plug were manufactured  
2 and sold by Boeing in an unreasonably dangerous and defective condition.

3           137. On January 5, 2024, the subject aircraft and its left MED plug were in the same  
4 or substantially same condition as of the time the subject aircraft left the control of Boeing.

5           138. Pleading in the alternative and without prejudice to other allegations, or choice  
6 of law principles, Boeing is liable to Plaintiff under Or. Rev. Stat. Ann. § 30.920.

7           139. Pleading in the alternative and without prejudice to other allegations, or choice  
8 of law principles, Boeing is liable to Plaintiff under the laws of another state.

9           140. The unreasonably dangerous and defective condition of the subject aircraft was  
10 a substantial factor in causing, and a direct and proximate cause of, the harm and injuries  
11 suffered by Plaintiff, and his resulting damages, including but not limited to physical injuries,  
12 pain and suffering, emotional distress, mental suffering, and loss of enjoyment of life.

13           **VIII. FOURTH CAUSE OF ACTION – Breach of Warranty (Boeing)**

14           141. Plaintiff reincorporates and realleges each of the paragraphs above as though  
15 fully set forth herein.

16           142. Plaintiff pleads the allegations in this Count in the alternative and without  
17 prejudice to any other Counts or allegations.

18           143. Prior to AS Flight 1282 on January 5, 2024, Boeing expressly and/or impliedly  
19 warranted and represented that the Boeing 737 MAX-9 aircraft, including the left MED plug,  
20 was airworthy, of merchantable quality, both fit and safe for the purpose of commercial air  
21 travel for which it was designed, intended and used, and was free from all defects.

22           144. Boeing breached said warranty in that the subject aircraft, including the left  
23 MED plug, was not airworthy, of merchantable quality, or fit and safe for the purpose of  
24 commercial air travel for which it was designed, intended and used, and was not free from all  
25 defects set forth herein.









1 Plaintiff anticipates seeking punitive damages against some or all Defendants, in  
2 accordance with the proofs, and reserves the right to seek punitive damages in an amended  
3 pleading.

4 **JURY DEMAND**

5 Plaintiff hereby demands trial by jury of twelve (12) on all of the above counts.

6 DATED this 30th day December, 2025.

7 COZEN O'CONNOR

8  
9 By: /s/ William H. Walsh  
10 William H. Walsh, OSB No. 106774  
11 Richard D. Mummolo, *pro hac vice* pending  
12 999 Third Avenue, Suite 1900  
13 Seattle, WA 98104  
14 (206) 224-1296  
15 wwalsh@cozen.com  
16 rmummolo@cozen.com

17 *Attorneys for Plaintiff Brandon Fisher*