

IN THE CIRCUIT COURT OF THE 17TH  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.:

THELMA DREYER, Individually,  
as Surviving Spouse, and as Personal  
Representative of the Estate of  
Eugene Dreyer, THOMAS DREYER,  
Individually, and NANCY SACHSE,  
Individually.

Plaintiffs,

vs.

SOUTHWEST AIRLINES COMPANY,

Defendant.

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**COMPLAINT**

COMES NOW, Plaintiffs, THELMA DREYER, as personal representative of the Estate of EUGENE DREYER (hereinafter referred to as "DREYER or DECEDENT") deceased, THOMAS DREYER, and NANCY SACHSE (hereinafter collectively referred to as "Plaintiffs"), by and through undersigned counsel, sue Defendants SOUTHWEST AIRLINES CO., (hereinafter referred to as "SWA or DEFENDANT"), and allege as follows:

**JURISDICTION AND VENUE**

1. This is an action for damages in excess of \$15,000.00, exclusive of costs and interest, brought pursuant to the Florida Wrongful Death Act, Florida Statute Sections 768.16-26.
2. Pursuant to Section 48.193(1)(a), Florida Statutes, Defendant Southwest Airlines Co. ("SWA") is subject to personal jurisdiction in Florida because it operates, conducts, engages

in, or carries on a business or business venture within this state or has an office or agency within this state.

3. Pursuant to Section 47.051, Florida Statutes, venue is proper in Broward County, Florida, because Defendant SWA maintains business offices, agents and employees at Fort Lauderdale-Hollywood International Airport, Fort Lauderdale, Broward County, Florida. The incident causing injury to the Decedent also occurred in Broward County, Florida.

4. Plaintiff Thelma Dreyer is, or soon will be appointed, Personal Representative of the Estate of Eugene Dreyer.

5. The following are survivors and beneficiaries of recovery for the wrongful death of Eugene Dreyer.

- a. Thelma Dreyer, spouse of Eugene Dreyer;
- b. Thomas Dreyer, child of Eugene Dreyer;
- c. Nancy Sachse, child of Eugene Dreyer; and
- d. The Estate of Eugene Dreyer, Deceased.

6. At all times material, Defendant SWA was a corporation organized and existing under the laws of Texas, with its principal place of business located at Dallas Love Field, Dallas, Texas.

### **GENERAL ALLEGATIONS**

7. SWA claims to be the world's largest low-cost carrier it is a major U.S. airline. It provides air transportation to the public.

8. Its air transportation services, facilities and equipment are at all times relevant hereto planned, coordinated, scheduled, performed, and maintained by Defendant.

9. SWA is, and was at all times material, certified to operate as a Federal Aviation Administration (“FAA”) air common carrier.

10. As common carrier, the Defendant owed its passengers the highest duty of care.

11. The flight crew of SWA was employed by the Defendant, and included flight attendants (“flight crew”).

12. At all times relevant and material hereto, the flight crew was acting within the course and scope of its employment with Defendant.

13. Thelma Dreyer was the spouse of Eugene Dreyer at all times relevant hereto.

14. Thelma Dreyer and Eugene Dreyer were residents of Johnson County, Kansas, a suburb of Kansas City, Missouri.

15. Their children Thomas Dryer and Nancy Sachse were residents of Kansas City, Missouri and Overland Park, Kansas, respectively.

16. Eugene Dreyer was a well-respected, successful and well-known stockbroker/financial advisor in Kansas City, Missouri.

17. Eugene Dreyer was a post-polio person and was wheelchair bound. He had no use of his legs, but could feel pain in them.

18. As paying passengers on SWA Flight 6155, Thelma Dreyer and Eugene Dreyer were passengers/business invitees of SWA, a common carrier, and were owed the highest degree of care by SWA.

19. On February 21, 2017, Thelma Dreyer and Eugene Dreyer boarded Southwest Airline Flight 6155 in Kansas City, Missouri; Flight 6155 landed in Fort Lauderdale, Broward County Florida.



20. Traveling with Thelma and Eugene Dreyer was Mr. Dreyer's assistant and helper, Rondy Wright.

21. Eugene Dreyer was wheeled onto the airplane by SWA employees. He was seated in the first row (bulkhead) aisle seat on the right-hand side facing the front. He was placed in that seat by an SWA employee with assistance of Rondy Wright.

22. Thelma Dreyer was seated directly across the aisle from Eugene Dreyer; Rondy Wright was seated in the same row/same side as Eugene Dreyer next to the window. There was no one seated between them.

23. While assisting Mr. Dreyer into his seat, the flight crew decided that an extension of the seat belt was necessary and one of the flight attendants obtained one for Mr. Dreyer.

24. The flight attendant buckled Eugene Dreyer into his seat using the extension prior to takeoff.

25. At all times relevant hereto, the flight crew had full control over securing Eugene Dreyer in his seat and Dreyer did not interfere with the flight crew's procedure or touch the seat belt or seat belt extension at any point.

26. Further, neither Thelma Dreyer nor Rondy Wright interfered with the flight crew's procedure or touched the seat belt or seat belt extension at any point.

27. Upon landing on the runway in Fort Lauderdale, immediately upon the plane decelerating, through no action of Eugene Dreyer, the seat belt and seat belt extension in Mr. Dreyer's seat failed to restrain him.

28. Mr. Dreyer flew forward into the bulkhead wall, being unable to stop himself due to the lack of his ability to use his legs or feet because of polio.

29. Eugene Dreyer hit his head, leg, foot, shoulder and other parts of his body onto the front bulkhead wall when he slammed into the bulkhead wall. He ended up on the floor of the airplane.

30. Eugene Dreyer was picked up by Rondy Wright and placed back in his seat while the airplane continued to taxi to the gate.

31. As a direct and proximate result of the negligence of the Defendant, Mr. Dreyer suffered severe injuries to his head, shoulder, foot and leg, including a broken femur, severe bruising, and a swollen knee. He suffered loss of cognitive functions. He suffered severe depression.

32. As a direct and proximate result of the negligence of the Defendant, Eugene Dreyer passed away on April 23, 2017, as a result of these injuries.

33. As a further direct proximate result of the negligence of the Defendant, the Estate of Eugene Dreyer has incurred funeral and burial expenses and suffered the loss of future earnings and net accumulations including future pensions and retirement benefits. Thelma Dreyer, the spouse of Eugene Dreyer, and Thomas Dreyer and Nancy Sachse, the children of Thelma and Eugene Dreyer, have suffered damages including loss of support and services, companionship, comfort, attention, as well as mental anguish, pain and suffering.

### **NEGLIGENCE OF DEFENDANT**

34. Defendant owed its passengers the highest duty of care to properly equip, maintain, and operate the aircraft, to ensure that the aircraft, including all its equipment on board Flight 6155, was in good operational use for its intended use, and to hire and train a properly qualified flight crew.

35. Defendant breached its duty in the following ways:

- a. Negligent failure to adequately buckle Eugene Dreyer into his seat with a seat belt and seat belt extension.
  - b. Negligent failure to properly equip the subject aircraft with adequate safety equipment, namely, seat belts and seat belt extensions.
  - c. Negligent failure to warn of the unsafe condition of the aircraft completing its intended flights;
  - d. Negligent failure to comply with all applicable Federal Aviation Regulations;
  - e. Negligent failure to use reasonable care with respect to safely buckling Eugene Dreyer into his seat;
  - f. Negligent failure to properly supervise, instruct and/or perform pre-flight inspections for the seat belt and extension that they were in proper condition for usage during the flight; and
  - g. Negligent failure to have in place proper and adequate safety practices, procedures and equipment should a seat belt or extension become unbuckled during landing.
36. Defendant's acts or omissions were a direct, proximate, and legal cause of the injuries previously described and the death of Eugene Dreyer.

37. All conditions precedent to suit have been satisfied.

#### **COUNT I (ACTION AGAINST SWA)**

38. There are incorporated herein the allegations of paragraphs 1-37 above.
39. At that time and place alleged above, SWA negligently operated an aircraft, resulting in injury to Eugene Dreyer.



40. As a result of said negligence, Eugene Dreyer sustained bodily injury resulting in his death and suffered medical and hospital expenses. The Estate of Dreyer sustained the cost of medical, funeral and burial expenses and suffered the loss of earnings of the deceased from the date of injury to the date of death and loss of the prospective net accumulations of an estate, which might have been expected but for the wrongful death. The deceased's spouse, Thelma Dreyer, has sustained a loss of support and services and net income from the date of injury, and the Plaintiffs have and will sustain a loss of the companionship and protection of Eugene Dreyer and mental pain and suffering from the date of injury.

Wherefore, Plaintiffs demand the entry of judgment for damages and costs against Defendant, Southwest Airlines Co., in an amount exceeding \$15,000.00, for the Plaintiffs' pain and suffering, loss of companionship, support, and protection as a result of the wrongful death of the decedent and for the decedent's pain and suffering from the date of injury to the date of death, and demand trial by jury of all issues so triable as a matter of right.

### **COUNT II (RES IPSA LOQUITUR)**

41. There are incorporated herein the allegations of paragraphs 1-37 above.

42. After Eugene Dreyer was assisted onto the plane, the flight attendant buckled him into his seat using the seat belt and extension to the seat belt prior to takeoff.

43. At all times relevant hereto, the flight crew had full control over securing Eugene Dreyer in his seat and Dreyer did not interfere with the flight crew's procedure or touch the seat belt or extension at any point.

44. Further, neither Thelma Dreyer nor Rondy Wright interfered with the flight crew's procedure or touched the seat belt or extension at any point.

45. Upon landing on the runway in Fort Lauderdale, immediately upon the plane decelerating, through no action of Eugene Dreyer, the seat belt and the seat belt extension in Mr. Dreyer's seat failed to restrain him.

46. Mr. Dreyer flew forward into the bulkhead wall, being unable to stop himself due to the lack of his ability to use his legs or feet because of polio.

47. Eugene Dreyer hit his head, leg, foot, shoulder and other parts of his body onto the front bulkhead wall when he slammed into the bulkhead wall. He ended up on the floor of the airplane.

48. The failure of the seat belt and seat belt extension, which resulted in Mr. Dreyer flying forward into the bulkhead wall, would not, in the ordinary course of events, have occurred without the negligence on the part of Defendant's flight crew, the individuals having full control of the instrumentality (the seat belt and extension) causing Eugene Dreyer's injury.

49. As a direct and proximate result of the negligence of the Defendant, Mr. Dreyer suffered severe injuries to his head, shoulder, foot and leg, including a broken femur, severe bruising, and a swollen knee. He suffered loss of cognitive functions. He suffered severe depression.

50. As a direct and proximate result of the negligence of the Defendant, Eugene Dreyer passed away on April 23, 2017, as a result of these injuries.

51. As a further direct proximate result of the negligence of the Defendant, the Estate of Eugene Dreyer has incurred funeral and burial expenses and suffered the loss of future earnings and net accumulations including future pensions and retirement benefits. Thelma Dreyer, the spouse of Eugene Dreyer, and Thomas Dreyer and Nancy Sachse, the children of



Thelma and Eugene Dreyer, have suffered damages including loss of support and services, companionship, comfort, attention, as well as mental anguish, pain and suffering.

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### **COUNT III (NEGLIGENCE PER SE)**

52. There are incorporated herein the allegations of paragraphs 1-37 above.

53. Defendant had a duty to comply with all applicable statutes and regulations at all times alleged in the complaint.

54. Defendant's actions set forth in paragraphs 35 (a)-(g) above violated one or more of the applicable statutes and/or regulations.

55. Mr. Dreyer is a member of the class of persons these statutes and regulations were intended to protect and he suffered the type of injuries these statutes and regulations were designed to prevent.

56. Defendant's violations of the above statutes and regulations constitutes negligence per se.

57. As a direct and proximate result of Defendant's violations of the above statutes and regulations, Mr. Dreyer suffered severe injuries to his head, shoulder, foot and leg, including a broken femur, severe bruising, and a swollen knee. He suffered loss of cognitive functions. He suffered severe depression.

58. As a direct and proximate result of the negligence of the Defendant's violations of the above statutes and regulations, Mr. Dreyer passed away on April 23, 2017, as a result of these injuries.

59. As a further direct proximate result of the negligence of the Defendant's violations of the above statutes and regulations, the Estate of Eugene Dreyer has incurred funeral and burial expenses and suffered the loss of future earnings and net accumulations including future pensions and retirement benefits. Thelma Dreyer, the spouse of Eugene Dreyer, and Thomas Dreyer and Nancy Sachse, the children of Thelma and Eugene Dreyer, have suffered damages including loss of support and services, companionship, comfort, attention, as well as mental anguish, pain and suffering.

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Dated this 26<sup>th</sup> day of July, 2017.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

**WE HEREBY CERTIFY** that on July 26, 2017, we electronically filed the foregoing document with the Court's E-Portal. We also certify that a true and correct copy of the foregoing has been sent to the Defendant to be served via Private Process Server upon Southwest Airlines, Co., Registered Agent, The Prentice-Hall Corporation System, Inc., 1201 Hays Street, Tallahassee, Florida 32301.

By: s/Michael S. Perse

Michael S. Perse, Esq.