

IN THE CIRCUIT COURT IN AND FOR THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR THE COUNTY OF BROWARD, STATE OF FLORIDA
CIRCUIT CIVIL DIVISION

MAYLEN LOPEZ SALINA, as Expected Personal
Representative of the Estate of
JEAN MICHEL LOPEZ-SALINAS,

Plaintiff,

Case No.:

v.

Division:

AEROLINEAS DAMOJH, S.A. de C.V.,
a foreign corporation d/b/a GLOBAL AIR
and LUCY ALEMAN SANCHEZ a/k/a
LUZ STELLA ALEMAN,

Defendants,

COMPLAINT

COMES NOW the Plaintiff, MAYLEN LOPEZ SALINA, as Expected Personal Representative of the Estate of JEAN MICHEL LOPEZ-SALINAS, by and through his undersigned counsel, and sues the Defendants, AEROLINEAS DAMOJH, S.A. de C.V., a foreign corporation d/b/a GLOBAL AIR (“GLOBAL AIR”) and LUCY ALEMAN SANCHEZ a/k/a LUZ STELLA ALEMAN (“LUCY ALEMAN SANCHEZ”), and states as follows:

1. On May 18, 2018, JEAN MICHEL LOPEZ-SALINAS (“Decedent”), was a passenger on Cubana de Aviacion Flight 972 (“Flight 972”) from Jose Marti International Airport, Havana, Cuba, to Frank Pais Airport, Holguin, Cuba.
2. Flight 972 was a Boeing 737-201 that was owned and operated by Defendant, GLOBAL AIR, on behalf of Cubana de Aviacion.
3. Jose Luis Nunez Santos was the Captain of Flight 972 and an employee of Defendant, GLOBAL AIR.

4. Miguel Angel Arreola Ramirez was the First Officer of Flight 972 and an employee of Defendant, GLOBAL AIR.
5. Upon information and belief, Defendant, GLOBAL AIR, trained Jose Luis Nunez Santos within the United States by and through agents of the Defendant, GLOBAL AIR.
6. Upon information and belief, Defendant, GLOBAL AIR, trained Miguel Angel Arreola Ramirez within the United States by and through agents of the Defendant, GLOBAL AIR.
7. Flight 972 carried a total of one hundred and thirteen (113) people.
8. Shortly after take-off at Jose Marti International Airport, Flight 972 crashed close to Jose Marti International Airport, killing one hundred and twelve people.
9. At the time of the aforementioned crash, Defendant, GLOBAL AIR, was in control of Flight 972.
10. Decedent, JEAN MICHEL LOPEZ-SALINAS, died in the crash of Flight 972.
11. At the time of his passing, Decedent, JEAN MICHEL LOPEZ-SALINAS, was the natural father of Diego Alejandro Lopez Gongora, born in 2010.
12. At the time of his passing, Decedent, JEAN MICHEL LOPEZ-SALINAS, was married to Maylen Diaz, the only survivor of the crash of Flight 972.
13. At all times material hereto, Defendant, LUCY ALEMAN SANCHEZ, was responsible for all repairs management for the Defendant, GLOBAL AIR, within the United States, as demonstrated by correspondence from Manuel Rodriguez Campo, Director General/CEO of Defendant, GLOBAL AIR (Exhibit A).
14. This action seeks damages in excess of Seventy Five Thousand Dollars (\$75,000.00).

Parties

15. At all times material hereto, Decedent, JEAN MICHEL LOPEZ-SALINAS, was a Cuban citizen residing in Hillsborough County, Florida, as a permanent resident of the United States since May 2015.
16. Plaintiff, MAYLEN LOPEZ SALINA, is the Expected Personal Representative of the Estate of JEAN MICHEL LOPEZ-SALINAS,
17. Defendant, GLOBAL AIR, is a Mexican corporation that did business within various regions of the United States, including Florida, and upon information and belief, trained pilots and coordinated for planes, aviation parts, and/or components to be maintained, serviced, and repaired in the United States.
18. Defendant, LUCY ALEMAN SANCHEZ, is a resident of Broward County, Florida.

Jurisdiction & Venue

19. Venue in this circuit is proper pursuant to § 47.011, Florida Statutes, as Defendant, LUCY ALEMAN SANCHEZ, is a resident of Broward County, Florida.
20. This Honorable Court has jurisdiction over this dispute pursuant to § 26.012, Florida Statutes.

Count I

Wrongful Death against Global Air

21. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 20.
22. This is an action for wrongful death pursuant to § 768.16, *et. seq.*, Florida Statutes.

23. On May 18, 2018, Defendant, GLOBAL AIR, owed a duty to the passengers of Flight 972, including, JEAN MICHEL LOPEZ-SALINAS, to ensure that its pilots were properly trained in the operation of the aforementioned Boeing 737-201.
24. On May 18, 2018, Defendant, GLOBAL AIR, owed a duty to the passengers of Flight 972, including, JEAN MICHEL LOPEZ-SALINAS, to ensure that the aforementioned Boeing 737-201 was properly maintained.
25. On May 18, 2018, Defendant, GLOBAL AIR, owed a duty to the passengers of Flight 972, including, JEAN MICHEL LOPEZ-SALINAS, to safely pilot the aforementioned Boeing 737-201.
26. While in custody and control of Flight 972 on May 18, 2018, Defendant, GLOBAL AIR, and/or its employees, Captain Jose Luis Nunez Santos and First Officer Miguel Angel Arreola Ramirez, committed the following negligent acts prior to crash:
 - a. Failing to train the pilots and crew of Flight 972 on the safe and correct operation of the aforementioned Boeing 737-201 aircraft, including associated take-off procedures, emergency procedures and stall recovery techniques;
 - b. Failing to have Flight 972 maintain proper airspeed during take-off and climb out;
 - c. Failing to have Flight 972 achieve or maintain proper angle of attack;
 - d. Failing to achieve or maintain level wings for Flight 972;
 - e. Failing to achieve or maintain proper operational control of Flight 972;
 - f. Failing to properly respond to the onset of a stall of the engines of Flight 972;
 - g. Operating and piloting Flight 972 in an unsafe manner that caused the aircraft to stall and crash;

- h. Operating and piloting Flight 972 in an unsafe manner that caused the aircraft to crash; and/or
- i. Operating and piloting Flight 972 in an unsafe or defective condition.

27. As evidenced by “*Mexican Company Says Pilot Error Caused Cuban Air Crash*”, Miami Herald, July 16, 2018 (Updated July 17, 2018) (Exhibit B), Defendant, GLOBAL AIR, admitted its flight crew was negligent in the operation and crash of Flight 972 because, “Data (from the flight recorder of Flight 972), reveals that the crew took off with the aircraft in a very pronounced angle of ascent, creating a lack of support that led to the fall of the aircraft.”
28. As a direct and proximate result of one or more of the aforementioned acts of negligence on the part of Defendant, GLOBAL AIR, Flight 972 crashed due to pilot error and mechanical failure on May 18, 2018 and Decedent, JEAN MICHEL LOPEZ-SALINAS was killed.
29. As a result of the negligence of Defendant, GLOBAL AIR, the wife, Maylen Lopez, of Decedent, JEAN MICHEL LOPEZ-SALINAS, is entitled to damages pursuant to § 768.21(1) & (2), Florida Statutes.
30. As a result of the negligence of Defendant, GLOBAL AIR, the minor son, Diego Alejandro Lopez Gongora, of Decedent, JEAN MICHEL LOPEZ-SALINAS, is entitled to damages pursuant to § 768.21(1) & (3), Florida Statutes.
31. As a result of the negligence of Defendant, GLOBAL AIR, the Plaintiff incurred medical and/or funeral expenses and Plaintiff is entitled to recover such from Defendant, GLOBAL AIR, pursuant to § 768.21(5), Florida Statutes.

32. As a result of the negligence of Defendant, GLOBAL AIR, the Plaintiff is entitled to recover additional damages pursuant to § 768.21(6).

WHEREFORE, Plaintiff, MAYLEN LOPEZ SALINA, as Expected Personal Representative of the Estate of JEAN MICHEL LOPEZ-SALINAS, demands judgment in its favor and against Defendant, AEROLINEAS DAMOJH, S.A. de C.V., a foreign corporation d/b/a GLOBAL AIR for damages in excess of Seventy Five Thousand Dollars (\$75,000.00), interest, costs, and any such other and further relief that this Honorable Court deems just and proper.

COUNT I

Wrongful Death against Lucy Aleman Sanchez

Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 20.

33. This is an action for wrongful death pursuant to § 768.16, *et. seq.*, Florida Statutes.

34. As demonstrated by Exhibit A, prior to the crash of Flight 972, Defendant, LUCY ALEMAN SANCHEZ, was responsible for repairs management of parts, components, and aircraft belonging to and controlled by Defendant, GLOBAL AIR, within the United States.

35. Prior to the crash of Flight 972, parts and components of Flight 972 were serviced and repaired within the United States under the management of Defendant, LUCY ALEMAN SANCHEZ.

36. Prior to the crash of Flight 972, Defendant, LUCY ALEMAN SANCHEZ, as manager of United States repairs for Defendant, GLOBAL AVIATION, owed a duty to the potential passengers of Flight 972, including Decedent, JEAN MICHEL LOPEZ-SALINAS, to ensure that the parts and components of Flight 972 serviced and repaired within the

United States were repaired in accordance with generally accepted principles of aviation service, repair, and safety.

37. Prior to the crash of Flight 972 Defendant, LUCY ALEMAN SANCHEZ, breached the aforementioned duty and failed to ensure that the parts and components of Flight 972 serviced and repaired within the United States were serviced and repaired in accordance with generally accepted principles of aviation repair and safety.
38. As a direct and proximate result of the aforementioned negligence of Defendant, LUCY ALEMAN SANCHEZ, parts and/or components of Flight 972 that were serviced under the management of Defendant, LUCY ALEMAN SANCHEZ, failed and Flight 972 crashed on May 18, 2018, due to pilot error and mechanical failure, killing Decedent, JEAN MICHEL LOPEZ-SALINAS.
39. As a result of the negligence of Defendant, GLOBAL AIR, the wife, Maylen Lopez, of Decedent, JEAN MICHEL LOPEZ-SALINAS, is entitled to damages pursuant to § 768.21(1) & (2), Florida Statutes.
40. As a result of the negligence of Defendant, LUCY ALEMAN SANCHEZ, the minor son, Diego Alejandro Lopez Gongora, of Decedent, JEAN MICHEL LOPEZ-SALINAS, is entitled to damages pursuant to § 768.21(1) & (3), Florida Statutes.
41. As a result of the negligence of Defendant, LUCY ALEMAN SANCHEZ, the Plaintiff incurred medical and/or funeral expenses and Plaintiff is entitled to recover such from Defendant, GLOBAL AIR, pursuant to § 768.21(5), Florida Statutes.
42. As a result of the negligence of Defendant, LUCY ALEMAN SANCHEZ, the Plaintiff is entitled to recover additional damages pursuant to § 768.21(6).

WHEREFORE, Plaintiff, the Plaintiff, MAYLEN LOPEZ SALINA, as Expected Personal Representative of the Estate of JEAN MICHEL LOPEZ-SALINAS, demands judgment in its favor and against Defendant, LUCY ALEMAN SANCHEZ, for damages in excess of Seventy Five Thousand Dollars (\$75,000.00), interest, costs, and any such other and further relief that this Honorable Court deems just and proper.

Dated this 28th day of May, 2019

/s/ Richard D. Giglio

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