

1 Brian J. Lawler, CA SBN 221488  
2 **PILOT LAW, P.C.**  
3 4632 Mt. Gaywas Dr.  
4 San Diego, CA 92117  
5 Telephone: (619) 255-2398  
6 blawler@pilotlawcorp.com

6 Robert T. Vorhoff, *pro hac vice* pending  
7 6221 S. Claiborne Avenue  
8 Suite 605  
9 New Orleans, Louisiana 70125  
10 (504) 867-7525 (Tel)  
11 (504) 534-5944 (Fax)  
12 rvorhoff@vorhoff-legal.com

11 Miranda Gahn, *pro hac vice*  
12 1638 Maritime Oak Drive  
13 Atlantic Beach, Florida 32233  
14 (614) 345-8893  
15 mgahn@pilotlawcorp.com

15 *Attorneys for Plaintiffs*

16  
17 **UNITED STATES DISTRICT COURT**  
18 **SOUTHERN DISTRICT OF CALIFORNIA**

19 MEGAN BURIAK, individually and on  
20 behalf of JAMES P. BURIAK,  
21 deceased; C. B., a minor by and through  
22 his Guardian ad Litem, MEGAN  
23 BURIAK; BRAD BILYEU,  
24 individually and on behalf of BAILEY  
25 J. TUCKER, deceased; LUCAS  
26 BURNS, individually and on behalf of  
27 SARAH F. BURNS, deceased.

26 Plaintiffs,

27 v.

Case No.: 3:23-cv-01585-L-DEB

**SECOND AMENDED  
COMPLAINT FOR DAMAGES**

**DEMAND FOR JURY TRIAL**

1 SIKORSKY AIRCRAFT CORP., a  
2 Delaware Corporation,

3 Defendant.

4 COME NOW Plaintiffs MEGAN BURIAK, BRAD BILYEU, and LUCAS  
5 BURNS, (collectively “Plaintiffs”), who complain and allege upon information and  
6 belief based, among other things, upon the investigation made by Plaintiffs, by and  
7 through their attorneys, as follows:

8 **PARTIES**

- 9 1. MEGAN BURIAK is the personal representative of the estate of James Buriak,  
10 deceased.
- 11 2. MEGAN BURIAK is the former spouse of the decedent James Buriak and the  
12 Guardian ad Litem of James Buriak’s minor child, C.B. She files this action for herself  
13 and on behalf of C.B.
- 14 3. MEGAN BURIAK is a resident of San Diego, California.
- 15 4. BRAD BILYEU is the personal representative of the estate of Bailey Tucker,  
16 deceased.
- 17 5. BRAD BILYEU files this action on behalf of Jill Culpepper, the mother of the  
18 decedent Bailey Tucker.
- 19 6. BRAD BILYEU is a resident of University City, Missouri.
- 20 7. LUCAS BURNS is the personal representative of the estate of Sarah Burns,  
21 deceased.
- 22 8. LUCAS BURNS is the former spouse of the decedent Sarah Burns. He files this  
23 action for himself.
- 24 9. LUCAS BURNS is a resident of San Diego, California.
- 25 10. Defendant SIKORSKY is a Delaware Corporation with its headquarters and  
26 principal place of business in Stratford, Connecticut.
- 27  
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1 11. Whenever and wherever reference is made to persons who are not named as a  
2 Defendant in this action, but were employees/agents of Defendant, such persons at all  
3 times acted on behalf of Defendant named in this action within the scope of their  
4 respective employments and agencies.

5 **JURISDICTION AND VENUE**

6 12. This action is brought pursuant to the Death on the High Seas Act 46 U.S.C. §§  
7 30301-30308 (“DOHSA”) because the events complained of occurred on the high seas  
8 beyond 3 nautical miles from the shore of the United States.

9 13. Jurisdiction of this court is founded on federal question jurisdiction pursuant to  
10 28 U.S.C. §1331.

11 14. Defendant, SIKORSKY is subject to suit pursuant to the DOHSA.

12 15. This Court has personal jurisdiction over SIKORSKY because, upon information  
13 and belief, at all relevant times SIKORSKY had continuing and systematic contacts  
14 within the State of California by delivering its products and services into the stream of  
15 commerce with the expectation that they would reach and be used in this state.

16 16. Venue is proper because at all times relevant herein, decedents were embarked  
17 upon a U.S. Navy vessel with its home port in San Diego, California and the decedents’  
18 squadron, Helicopter Sea Combat Squadron 8 (“HSC-8”) is based in San Diego,  
19 California. Additionally, at all times relevant herein, each Plaintiff’s decedent resided in  
20 San Diego County, California.

21 **GENERAL FACTUAL ALLEGATIONS**

22 **The MH-60S Design**

23 17. SIKORSKY designed, developed, and manufactured the MH-60S Seahawk  
24 (“Seahawk”), which is a twin-engine helicopter utilizing a four-blade main rotor system.

25 18. The Seahawk is the U.S. Navy’s version of the SIKORSKY UH-60 Blackhawk  
26 helicopter.

1 19. SIKORSKY incorporated a main rotor damper system in its design of the  
2 Seahawk to limit the lead/lag of the main rotor blades.

3 20. Undampened lead/lag of a helicopter's main rotor blades can cause extreme  
4 vibrations and a dangerous condition known as ground resonance.

5 21. SIKORSKY's UH-60 Blackhawk design uses four independent hydraulic  
6 accumulators (one per blade) in its main rotor damper system, so that loss of fluid in any  
7 single damper will not impact the other three, thereby minimizing the risk of excessive  
8 vibrations and ground resonance.

9 22. SIKORSKY's design for the Seahawk, however, features four dampers supplied  
10 by a shared accumulator, with hydraulic fluid routed to each damper via four braided  
11 hoses, which are labeled red, black, blue, and yellow.

12 23. With the Seahawk's main rotor damper system design, a component failure  
13 triggering a loss of hydraulic pressure, such as a break in any of the four damper hoses,  
14 will result in a loss of pressure to all four dampers.

15 24. SIKORSKY also configured the hydraulic damper hoses so that they were located  
16 adjacent to the attachment point on the main rotor for a tool known as a spindle pry bar,  
17 which was also designed and manufactured by SIKORSKY.

18 25. The location of the hydraulic damper hoses rendered them susceptible to kinking  
19 and other damage from the spindle pry bar during maintenance on the main rotor system.

20 26. There were no adequate inspection criteria to detect mechanical damage to the  
21 damper hoses from bending or kinking.

22 **The Aircraft Mishap**

23 27. On August 31, 2021, Plaintiffs' decedents, Petty Officer 2<sup>nd</sup> Class James Buriak  
24 ("Buriak"), Petty Officer 2<sup>nd</sup> Class Sarah Burns ("Burns"), and Petty Officer 3<sup>rd</sup> Class  
25 Bailey Tucker ("Tucker"), were naval aircrew members aboard a Seahawk helicopter,  
26 Bureau Number 167899, also known as Loosefoot 616 ("LF616"), assigned to the U.S.S.  
27 ABRAHAM LINCOLN ("ABE").  
28

1 28. After completing a 2.5-hour plane guard/search and rescue mission, a tragic  
2 accident occurred when LF616 experienced severe lateral and vertical vibrations upon  
3 landing aboard the ABE.

4 29. As the vibrations intensified, the aircraft began a left and right yaw causing the  
5 aircraft's rotor blades to impact the ABE's flight deck, and LF616 fell over the starboard  
6 side of the ABE into the ocean.

7 30. Buriak, Burns, and Tucker died in the crash and their bodies were not recovered  
8 until five weeks after the mishap.

9 31. There is no evidence that weather conditions or pilot error were causal or  
10 contributing factors to the mishap.

11 32. The mishap was caused by the catastrophic failure of LF616's yellow main rotor  
12 blade damper hose in flight, resulting in total loss of main rotor system dampening,  
13 which induced severe vibrations and uncontrollable ground resonance upon touchdown.

14 33. The damper hose failed in flight because of mechanical damage due to the bending  
15 or kinking of the hose from use of a spindle pry bar during main rotor maintenance.

16 34. The severe vibrations and uncontrollable ground resonance LF616 experienced  
17 upon touchdown was due to SIKORSKY's unreasonably dangerous and defective  
18 design of a single point of failure main rotor damper system on the Seahawk.

19 35. The failure of LF616's yellow main rotor damper hose was due to SIKORSKY's  
20 unreasonably dangerous and defective design of a damper system that was susceptible  
21 to damage from the routine use of a spindle pry bar during maintenance on the main  
22 rotor.

23 36. The failure of LF616's yellow main rotor damper hose was further due to  
24 SIKORSKY's unreasonably dangerous and defective design of a spindle pry bar that  
25 was prone to bend or kink main rotor damper hoses during routine use.

26 37. SIKORSKY knew that use of the spindle pry bar would cause bending or kinking  
27 of the damper hoses.  
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1 38. SIKORSKY knew that any break or failure in any one of the four damper hoses  
2 would cause a complete failure of the damper system, thereby unreasonably and  
3 unnecessarily endangering the aircraft and crew.

4 39. SIKORSKY's wrongful acts, neglect, or default, specifically, SIKORSKY's  
5 defective design of the Seahawk's main rotor damping system, was the proximate cause  
6 of LF616's mishap and the deaths of Buriak, Burns, and Tucker.

7 **FIRST CAUSE OF ACTION**

8 **Strict Products Liability (Design Defect)**

9 40. Plaintiffs hereby allege and incorporate by reference the allegations asserted in  
10 paragraphs 1-39 above as if stated herein *in extenso*.

11 41. SIKORSKY had a duty of care to design, develop, and manufacture a helicopter  
12 that was free of design defects so as to be reasonably safe when used as intended.

13 42. Buriak, Burns, and Tucker had a reasonable expectation that LF616's main rotor  
14 damper system would not suffer a catastrophic failure during normal operations.

15 43. SIKORSKY defectively designed the Seahawk's main rotor damper system with  
16 a single point of failure, which was unreasonably dangerous as the risks inherent in its  
17 design outweighed any utility of the design, particularly in light of technologically  
18 available and economically feasible alternative safer designs that would not have  
19 materially undermined its utility.

20 44. An alternative safer design was known and available for the Seahawk's main rotor  
21 damper system, as evidenced by the UH-60 Blackhawk main rotor damper system using  
22 separate hydraulic accumulators, which limits the system to loss of a single damper in  
23 the event of a damper failure.

24 45. SIKORSKY's defective design of the Seahawk's main rotor damper system was  
25 also unreasonably dangerous because the damper hoses were susceptible to damage from  
26 kinking and bending from use of the spindle pry bar during routine main rotor  
27  
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1 maintenance, and SIKORSKY knew there was no adequate inspection criteria to detect  
2 mechanical damage to the damper hoses from bending or kinking.

3 46. SIKORSKY defectively designed the spindle pry bar, in that its reasonably  
4 foreseeable use resulted in bending, kinking, and other damage to the damper hoses.

5 47. An alternative and safer design for the spindle pry bar was available as well, as  
6 evidenced by the Navy's subsequent modification of the spindle pry bar to prevent  
7 bending of the damper hose when the pry bar is in use.

8 48. SIKORSKY's defective design led to the failure of LF616's yellow damper hose  
9 and instantaneous loss of the entire main rotor damper system, which induced  
10 catastrophic ground resonance and resulted in the deaths of Buriak, Burns, and Tucker.

11 49. Thus, SIKORSKY's defective design was a substantial factor in the deaths of  
12 Buriak, Burns, and Tucker.

13 50. As a direct and proximate result of SIKORSKY's defective design of the main  
14 rotor damper system, Plaintiffs have been deprived of the support that Buriak, Burns,  
15 and Tucker would have contributed to their respective families and estates during their  
16 lifetimes, and the gifts and benefits that Buriak, Burns, and Tucker would have bestowed  
17 upon them and that they reasonably expected to receive from them, as well as the amount  
18 of reasonable household services that Buriak, Burns, and Tucker would have provided.

19 51. As a result of the foregoing, Plaintiffs have sustained and are entitled to recover  
20 pecuniary damages, including, but not limited to loss of support, loss of services, loss of  
21 nurture, guidance, care and instruction, and loss of inheritance, all in amounts to be  
22 proven at trial.

23 **SECOND CAUSE OF ACTION**

24 **Strict Products Liability (Failure to Warn)**

25 52. Plaintiffs hereby allege and incorporate by reference the allegations asserted in  
26 paragraphs 1-51 above as if stated herein *in extenso*.

1 53. SIKORSKY owed a duty to warn of foreseeable dangers from the normal  
2 operation of the Seahawk helicopter.

3 54. SIKORSKY knew the potential risk of its single point of failure design for the  
4 Seahawk main rotor damper system at the time of manufacture, and in light of the  
5 scientific and technical knowledge that was generally accepted in the aviation  
6 community.

7 55. The potential risk of catastrophic failure of the main rotor damper system  
8 presented a substantial danger of injury or death to aircrews from extreme vibrations or  
9 ground resonance during the Seahawk's normal operations.

10 56. SIKORSKY also knew that Seahawk aircrew would not have recognized the risk  
11 of ground resonance induced by failure of a single damper hose or the risk of damage to  
12 the damper hoses by use of the spindle pry bar.

13 57. SIKORSKY knew that there were no adequate inspection criteria to detect  
14 mechanical damage to the damper hoses from bending or kinking.

15 58. As such, SIKORSKY knew there was a risk of catastrophic failure of the main  
16 rotor damper system and that this presented a substantial danger during the Seahawk's  
17 reasonably foreseeable, normal, and intended operations.

18 59. SIKORSKY failed to adequately warn or instruct of the potential risks.

19 60. SIKORSKY's failure to provide sufficient instructions or warnings was a  
20 substantial factor in causing the deaths of Buriak, Burns, and Tucker.

21 61. As a direct and proximate result of SIKORSKY's failure to provide sufficient  
22 instructions or warnings, Plaintiffs have been deprived of the support that Buriak, Burns,  
23 and Tucker would have contributed to their respective families and estates during their  
24 lifetimes, and the gifts and benefits that Buriak, Burns, and Tucker would have bestowed  
25 upon them and that they reasonably expected to receive from them, as well as the amount  
26 of reasonable household services that Buriak, Burns, and Tucker would have provided.  
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1 62. As a result of the foregoing, Plaintiffs have sustained and are entitled to recover  
2 pecuniary damages, including, but not limited to loss of support, loss of services, loss of  
3 nurture, guidance, care and instruction, and loss of inheritance, all in amounts to be  
4 proven at trial.

### 5 **THIRD CAUSE OF ACTION**

#### 6 **Negligence**

7 63. Plaintiffs hereby allege and incorporate by reference the allegations asserted in  
8 paragraphs 1-62 above as if stated herein *in extenso*.

9 64. SIKORSKY had a duty to properly design the Seahawk for its intended purpose,  
10 *i.e.*, the safe transport of aircrew, and to warn of defects likely to cause injury or death  
11 during ordinary foreseeable operations.

12 65. SIKORSKY breached its duty by designing the Seahawk with a single point of  
13 failure main rotor damper system, configuring the damper hoses such that they were  
14 susceptible to damage when a spindle pry bar was used for main rotor maintenance, and  
15 designing a spindle pry bar that caused damage to the damper hoses by kinking or  
16 bending the damper hoses during use.

17 66. SIKORSKY was aware of feasible alternative designs, component parts, and  
18 accessories that would have eliminated or substantially minimized the known risks of its  
19 Seahawk main rotor damper system and spindle pry bar design.

20 67. SIKORSKY further breached its duty by failing to provide adequate warning and  
21 instruction of the potential for severe vibrations and ground resonance induced by  
22 catastrophic loss of the main rotor damper system in the event of a single damper hose  
23 failure.

24 68. SIKORSKY's negligence was a direct and proximate cause of the deaths of  
25 Buriak, Burns, and Tucker.

26 69. As a direct and proximate result of SIKORSKY's negligence, Plaintiffs have been  
27 deprived of the support that Buriak, Burns, and Tucker would have contributed to their  
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1 respective families and estates during their lifetimes, and the gifts and benefits that  
2 Buriak, Burns, and Tucker would have bestowed upon them and that they reasonably  
3 expected to receive from them, as well as the amount of reasonable household services  
4 that Buriak, Burns, and Tucker would have provided.

5 70. As a result of the foregoing, Plaintiffs have sustained and are entitled to recover  
6 pecuniary damages, including, but not limited to loss of support, loss of services, loss of  
7 nurture, guidance, care and instruction, and loss of inheritance, all in amounts to be  
8 proven at trial.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiffs pray for judgment against Defendant, SIKORSKY, for  
11 damages as follows:

- 12 1. Financial support that decedents would have contributed to their families;
- 13 2. Reasonable value of household services decedents would have provided to  
14 their families;
- 15 3. Reasonable value of decedents’ nurture, guidance, care, and maintenance;
- 16 4. Loss of inheritance;
- 17 5. Burial expenses; and
- 18 6. Any other damages or costs to which Plaintiffs may be entitled to under all  
19 applicable laws.

20  
21 Respectfully Submitted,

22 Dated: February 5, 2024

PILOT LAW, P.C.

23  
24 By: /s/ Brian J. Lawler

BRIAN J. LAWLER  
ROBERT T. VORHOFF  
MIRAND GAHN  
Attorneys for Plaintiffs

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury of all issues triable as of right by a jury in the above action.

Respectfully Submitted,

Dated: February 5, 2024

PILOT LAW, P.C.

By: /s/ Brian J. Lawler

BRIAN J. LAWLER  
ROBERT T. VORHOFF  
MIRANDA GAHN  
Attorneys for Plaintiff

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