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## AERIAL SEEDING

### Agricultural aviator's family receives \$6.7 million settlement after fatal crash

The family of a pilot who died after his crop-dusting plane struck an unmarked weather monitoring tower has settled a wrongful-death suit in California state court.

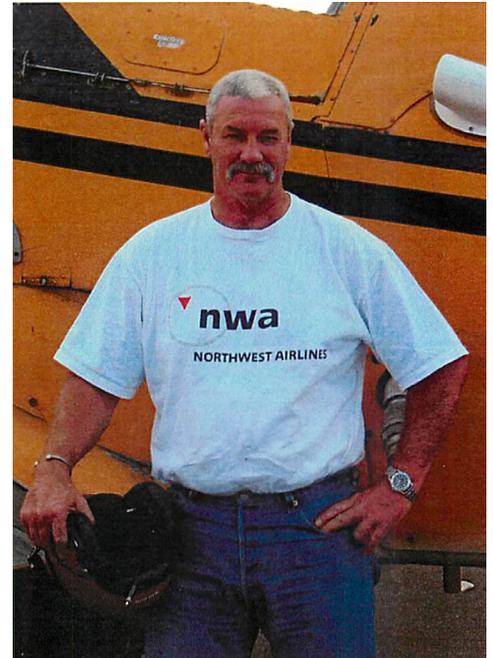
***Allen et al. v. NRG Systems Inc. et al., No. MSC12-00880, notice of settlement filed (Cal. Super. Ct., Contra Costa County Sept. 8, 2014).***

Retired Napa County judge Scott Snowden mediated the \$6.7 million settlement between pilot Stephen Allen's family and the companies responsible for the tower, said plaintiffs' counsel **Roger A. Dreyer of Dreyer Babich Buccola Wood Campora LLP.**

These towers "are absolute widow makers," Dreyer said, because they are gray, 8 inches wide and 197 feet tall, and agricultural pilots traveling about 125 mph are not able to see them.

Allen was spreading wheat seed in a S-2R Thrush Commander plane in January 2011 when the

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*Pilot Stephen Allen, shown here in a photo provided by his family's attorney, was spreading seed in a S-2R Thrush Commander plane in 2011 when the aircraft's wing struck a wind-monitoring tower and crashed, killing him.*

## HELICOPTER CRASH (PRODUCT LIABILITY)

### Families file suit over fatal Black Hawk crash

Mechanical failure and poor design caused a Black Hawk helicopter crash last January, killing one U.S. Army soldier and injuring two others, according to a lawsuit filed in the Los Angeles County Superior Court.

***Carpenter et al. v. Sikorsky Aircraft Corp. et al., No. BC556909, complaint filed (Cal. Super. Ct., L.A. County Sept. 8, 2014).***

The complaint says defects in the Sikorsky Black Hawk MH-60M helicopter's tail rotor pitch change shaft caused mechanical failures

that prevented pilot Chief Warrant Officer 3 Jon Ternstrom, 40, and co-pilot Capt. Clayton Carpenter, 30, from safely landing the aircraft at Hunter Army Airfield in Savannah, Ga., on Jan. 15.

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## Crop dusting

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aircraft's wing struck the tower in Contra Costa, Calif., and crashed, killing him, according to the complaint filed by Allen's wife, Karen, and his two adult daughters.

The complaint said the tower was designed to monitor wind levels for potential installation of wind turbines and was just short of 200 feet — the height at which the Federal Aviation Administration requires visibility markings.

"We took depositions of two different eyewitnesses and it was clear that Mr. Allen never saw the tower, because there was no movement before impact," Dreyer said.

Property owner Delta Wetlands Properties, which is owned by ZKS Real Estate Partners, hired Renewable Resources Group and Western Development to erect the tower, which was made by NRG Systems Inc.



Unmarked weather monitoring towers "are absolute widow makers," plaintiffs' counsel Roger A. Dreyer said.



The wreckage of Allen's plane and the weather monitoring tower (L) are shown here.

Courtesy of NTSB

and installed by PDC Corp. and Echelon Environmental Energy, the suit said.

Each of the defendants was aware of the FAA rules and should have known the lack of contrasting colors, lights and brightly colored "cable balls" on the tower would decrease its visibility but they purposefully erected a tower lower than 200 feet and failed to warn Allen of the tower's existence and location, according to the suit.

"There's no reason not to put strobe lights on (the towers)," Dreyer said.

Defendant Boudin Farming Co., which hired Allen's company, Alexander AG Flying Service Inc., to spread the seed, also knew about the tower but failed to warn Allen, the suit said.

NRG Systems, which will pay \$707,500 of the settlement amount, denied liability for all the plaintiffs' damages. According to

the company's application for settlement, NRG makes both unpainted towers, like the one Allen's plane struck, and those that have FAA-compliant warnings. Customers decide which type of tower to purchase, the company said.

The remaining defendants through their insurers will pay the rest of the settlement, according to Dreyer. [WJ](#)

### Attorneys:

**Plaintiffs:** Roger A. Dreyer, Dreyer Babich Buccola Wood Campora LLP, Sacramento, Calif.

**Defendant (NRG Systems):** Craig A. Livingston and Crystal L. Van Der Putten, Livingston Law Firm, Walnut Creek, Calif.

### Related Court Documents:

Complaint: 2011 WL 6002397

Defendant NRG Systems' application for settlement: 2014 WL 4695084

Settlement notice: 2014 WL 4695086

**See Document Section A (P. 17) for the complaint.**