

NORTH CAROLINA Lawyers Weekly

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FEBRUARY 21, 2023

Families of passengers killed in a plane crash settle for \$15M

■ Haviland Stewart

On Feb. 13, 2022, a Pilatus PC-12 crashed into the Atlantic Ocean near Beaufort, N.C., killing all eight onboard. North Carolina attorney Will Owen, along with Gary and Andrew Robb of MO, represented five of the families affected by the tragedy.

According to Owen, this was a sudden and devastating tragedy that rocked the entire state, especially the communities in northern Carteret County where the plaintiffs' deceased family members were born and raised.

The passengers had been duck hunting in Hyde County prior to the crash and were traveling back to Beaufort, Owen reported. The plaintiff council represented the estates of passengers, Stephanie Fulcher, Noah Styron, Jacob Taylor, Michael Shepherd and Kole McInnis.

After an investigation, the plaintiff's council determined the probable cause of the crash to be the pilot's unrecognized spatial disorientation, failure to use flight instruments in Instrument Meteorological Conditions (IMC) weather conditions, and disregard for clear and direct instructions from Air Traffic Control.

According to Owen, spatial disorientation almost always occurs when a pilot encounters cloudy and/or foggy weather conditions while flying under Visual Flight Rules (VFR). The Next Generation Weather Radar data from the time of the flight showed strong precipitous clouds, a low cloud ceiling and the presence of heavy fog.

The flight path and the cloud patterns demonstrate that the pilot was attempting to "hole hunt" – pierce through cloud



Will Owen



Gary Robb



Andrew Robb

patterns and back into VFR conditions – when the crash occurred. "Hole hunting" is a piloting decision that occurs after a pilot loses visual connection with the horizon line and seeks to regain visual horizon-line connection by hand-flying the aircraft into VFR conditions. According to Owen, "hole hunting" is extremely dangerous and a clear violation of the standard of care.

The flight path and radar data indicate that towards the end of the flight, the pilot failed to engage autopilot, instead choosing to maintain operational control of the aircraft through hand-flight rather

than relying on his instruments. Failure to properly use the flight instruments is another condition of unrecognized spatial disorientation, Owen reported.

On November 30, 2022, the plaintiff's settled for a total of \$15 million.

"Its an unbelievably tragic situation to lose this many people," Owen said. "Through this, my clients were hoping that we can prevent this from happening to other experienced pilots in the

future. Maybe additional or reinforcement of training on what to do when you encounter IFR (Instrument flight Rules) conditions, and when you need to rely on your instruments and your autopilot."

Is this a verdict or a settlement?

Settlement

Type of case: Wrongful death – plane crash

Amount: \$15,000,000.00

Injuries alleged: Death

Case name: Estate of Stephanie Fulcher, Estate of Noah Styron, Estate of Jacob Taylor, Estate of Michael Shepherd, Estate of Kole McInnis v. EDP Management Group, LLC et al.

Court: Carteret County Superior Court

Case No.: 22 CVS 443, 22 CVS 444, 22 CVS 445, 22 CVS 446 & 22 CVS 698

Date of verdict or settlement: Nov. 30, 2022

Attorney(s) for plaintiff and their firm(s):

Will Owen of Musselwhite, Musselwhite, Branch & Grantham (Lumberton, N.C.), Gary Robb (Robb & Robb, Kansas City, Mo., Admitted Pro Hac Vice), Andrew Robb (Robb & Robb, Kansas City, Mo., Admitted Pro Hac Vice)

Attorney(s) for defendant and their firm(s):

James S. Strawinski and Nicole Wolfe Stout of Strawinski & Scout, John P. Marshall of White & Allen, P.A., and Susan Hofer of Cranfil Sumner LLP.

Was the opposing represented by counsel? Yes

Were liability and/or damages

contested? Yes

Has the judgment been successfully collected? Yes