

CAUSE NO. CC-20-00653-B

TIMOTHY BAKER, as Executor and  
Administrator of the Estate of DAVID  
BAKER, Deceased, and on Behalf of Wrongful  
Death Beneficiaries A.B. and H.B., Minors,  
*Plaintiff,*

vs.

BELL TEXTRON, INC. f/k/a BELL  
HELICOPTER TEXTRON, INC.; SAFRAN  
USA, INC.; and SAFRAN HELICOPTER  
ENGINES USA, INC.,  
*Defendants.*

IN THE COUNTY COURT AT LAW

No. 2

OF DALLAS COUNTY, TEXAS

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PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE, AND  
REQUEST FOR A JURY TRIAL

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Plaintiff Timothy Baker, as Executor and Administrator of the Estate of David Baker, Deceased, and on Behalf of Wrongful Death Beneficiaries A.B. and H.B., Minors, file this Original Petition asserting wrongful death and survival claims arising from the death of David Baker, the father of wrongful death beneficiaries A.B. and H.B., his minor children, against Bell Textron, Inc. f/k/a Bell Helicopter Textron, Inc.; Safran USA, Inc.; and Safran Helicopter Engines USA, Inc. Plaintiff prays for his damages as follows:

I.  
PARTIES

1. Plaintiff Timothy Baker is the Executor and Administrator of the Estate of David Baker. He brings this suit on behalf of David's estate and his minor children A.B. and H.B., pursuant to TEX. CIV. PRAC. & REM. CODE §71.004(c). Timothy is a resident of Fresno, California and David's children are residents of Fresno, California.
2. Defendant Bell Textron, Inc. ("Bell Textron") is a Delaware corporation authorized to do business in the State of Texas with a principal place of business in Tarrant County, Texas at 3255

Bell Flight Blvd., Fort Worth, TX 76118. Defendant Bell Textron may be served with process upon its registered agent:

**Bell Textron, Inc.**  
**c/o Chandria Mercer**  
**3255 Bell Flight Blvd.**  
**Fort Worth, TX 76118**

3. Defendant Safran Helicopter Engines USA, Inc. (“Safran USA”) is a Delaware corporation authorized to do business in the State of Texas with a principal place of business in Dallas County, Texas at 2201 West Royal Ln., Suite 150, Irving, TX 75063. Defendant Safran USA may be served with process upon its registered agent:

**Safran Helicopter Engines USA, Inc.**  
**c/o Corporation Service Company d/b/a**  
**CSC-Lawyers Incorporating Service Company**  
**211 E. 7<sup>th</sup> Street, Suite 620**  
**Austin, TX 78701-3218**

4. Defendant Safran USA, Inc. (“Safran USA, Inc.”) is a foreign for-profit corporation organized under the laws of Delaware and authorized to do business in the State of Texas. Safran USA, Inc. has registered and maintains a principal place of business in this State in Dallas County, Texas at 2201 West Royal Ln., Suite 150, Irving, TX 75063. Defendant Safran USA, Inc. may be served with process upon its registered agent:

**Safran USA, Inc.**  
**c/o Corporation Service Company d/b/a**  
**CSC-Lawyers Incorporating Service Company**  
**211 E. 7<sup>th</sup> Street, Suite 620**  
**Austin, TX 78701-3218**

5. Defendant Safran Helicopter Engines USA, Inc. and Defendant Safran USA, Inc. are hereinafter collectively referred to as the “Safran Defendants”.

## II. DISCOVERY PLAN

6. Pursuant to TEXAS RULE OF CIVIL PROCEDURE 190, Plaintiff requests that this action be conducted pursuant to Level 3 of TEXAS RULE OF CIVIL PROCEDURE 190.4 and ask that the Court enter an order consistent with same.

III.  
VENUE AND JURISDICTION

7. Venue is proper in Dallas County pursuant to TEXAS CIVIL PRACTICE & REMEDIES CODE §15.002(a)(3) because Safran Helicopter Engines USA, Inc. and Safran USA, Inc. have registered principal offices in this State in Dallas County, Texas at which the decision makers for their respective corporations conduct the affairs of the corporations.

8. This Court has subject matter jurisdiction because the amount in controversy exceeds the minimum jurisdictional amounts of the Court.

IV.  
FACTUAL BACKGROUND

**A. INTRODUCTION**

9. This case arises from the defective design of the Bell 505X helicopter and its engine, which caused the death of five people on March 3, 2019.

10. While the FAA only prescribes *minimum* airworthiness design specifications (which are inadequate themselves), this helicopter *never* even met those standards.

11. This Bell 505X, also known as the “Jet Ranger X,” was essentially a brand-new helicopter, with only 129.0 total airframe hours, and was designed and manufactured by Bell Textron in Texas.



12. The Bell 505X had an Arrius 2R engine and FADEC system (“Full Authority Digital Engine Control”) designed and manufactured by the Safran Defendants in Texas.

**B. THE CRASH**

13. On March 3, 2019, a group of tourists landed two different helicopters on Central Island of Lake Turkana, Kenya, shortly after 1800.

14. The first helicopter, a Robinson R44, registered as 5Y-TNF, carried three tourists and a pilot.

15. The second helicopter, the Bell 505X, registered as 5Y-KDL, carried four tourists and its pilot. Plaintiff's decedent, David Baker ("Mr. Baker"), was a passenger on the Bell 505X. This helicopter is also referred to herein as the "Subject Aircraft."

16. The pilot of the Bell 505X had approximately 6000 hours of flight time in helicopters and had received his Type Rating in the Bell 505X after undergoing Bell Textron's training at their facility in Texas.

17. At approximately 2034, the R44 departed Central Island in a such a fashion that its pilot could see the Bell 505X had started and would be departing moments behind him.

18. Once the R44 pilot had departed, with his destination in sight (heading Southwest), he radioed the Bell 505X's pilot to which he received no reply.

19. At approximately 2042, from a distance of approximately 2.4 miles, the R44 pilot turned slightly to look back at the status of the Bell 505X, at which point he saw the helicopter's lights spinning erratically above the horizon of the island, and heard the pilot of the Bell 505X radioing distress sounds.

20. At some point, one of the R44 passengers also saw a fire.

### C. THE WRECKAGE

21. The Bell 505X wreckage was found approximately 3,000 ft from its departure site across a crater.



22. At some point during the take-off, the Subject Aircraft lost the function of its tail rotor (a function necessary to maintain controlled flight), which caused it to spin.

23. The loss of tail rotor function occurred when one of the helicopter's *own rotors came into contact with the tail boom*, something that should never occur under any flight scenario.

24. The Subject Aircraft was spinning so rapidly by the time it crossed the crater that its passengers, located in the back, *were thrown from the helicopter before it ever crashed*, including Mr. Baker.

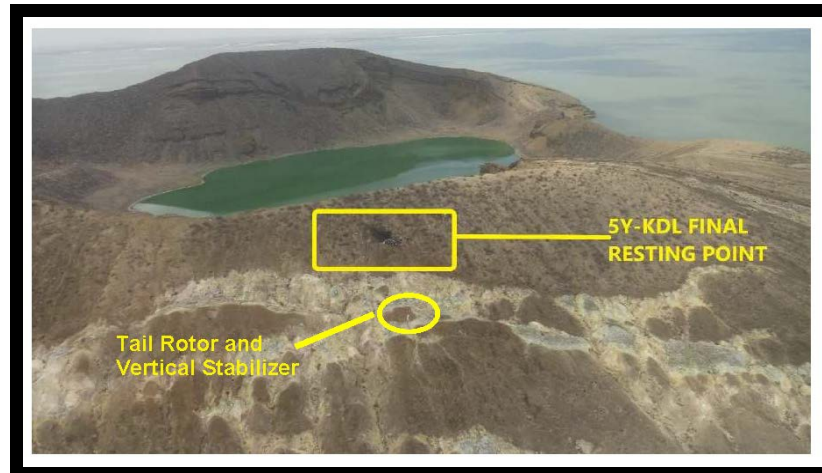
25. During the sequence, the Safran engine began to overspeed.

26. The Safran engine was to be equipped with a full authority digital engine control ("FADEC") to automatically sense problems, such as a potential overspeed, and react to reduce power automatically.

27. In fact, this Safran FADEC system was designed such that this pilot *could not even control the power* in this scenario.

28. Yet, the defective Safran FADEC allowed this overspeed to occur well beyond the engine's limits such that the engine's turbine blades *spun so fast that they tore off from their root*.

29. The Subject Aircraft spun uncontrollably across the crater from its initial departure point; the main wreckage was located approximately fifty-four (54) meters *west* of its vertical stabilizer and tail rotor.



30. This was because the Subject Aircraft's main rotor had *severed* its own tail boom (which connects to the vertical stabilizer and tail rotor) during the violent spinning - on at least two separate occasions.



31. During this horrific sequence of events, Mr. Baker and the other occupants suffered immeasurable fear of impending death, pain, suffering, mental anguish and emotional distress, before ultimately being killed.

V.  
CAUSES OF ACTION AND CLAIMS FOR RELIEF

**A. COUNT ONE: STRICT LIABILITY AGAINST BELL TEXTRON**

32. Plaintiff incorporates the above paragraphs by reference.

33. Bell Textron placed the Subject Aircraft into the stream of commerce.

34. Bell Textron designed, manufactured, and marketed the Subject Aircraft in Texas.

35. At all times pertinent hereto, the Subject Aircraft was operated as intended and was used in the manner for which, it and its component systems and parts, were designed, manufactured, selected, assembled, tested distributed and intended to be used, and in a manner foreseeable to Bell Textron as designer and manufacturer of the Subject Aircraft.

36. The Subject Aircraft was defectively designed and marketed such that it was unreasonably dangerous.

37. On at least three different occasions a rotor on the Subject Aircraft contacted the tail boom - even severing it entirely - during its flight operation on March 3, 2019.

38. The Federal Aviation Administration (“FAA”) has set forth minimum airworthiness standards for rotorcraft (helicopters) in 14 C.F.R. Part 27.

39. Pursuant to 14 C.F.R. § 27.661, titled “Rotor Blade Clearance”:

There *must be enough clearance between the rotor blades* and other parts of the structure to prevent the blades from *striking* any part of the structure *during any operating condition*. (Emphasis added).

40. The Subject Aircraft was not designed to provide enough clearance between the rotor blades and the other helicopter structures.

41. Upon information and belief, Bell Textron falsely misled the FAA in its testing and certification process and were otherwise aware of this catastrophic risk and consciously chose to disregard it.

42. Additionally, this was the first Bell Helicopter that ever utilized a Safran engine, which was designed and manufactured in Texas for the Bell 505X.

43. The Safran Arrius 2R engine and its FADEC system were defectively designed, and marketed such that it was unreasonably dangerous.

44. The Bell 505X and its FADEC system, as designed, significantly prevented the pilot of this accident aircraft from being able to safely perform any emergency maneuvers or procedures once the emergency was recognized.

45. Bell Textron knew or should have known of the defective engine and FADEC system in the Subject Aircraft at the time it was designed, marketed, and distributed.

46. At all times relevant hereto, the Subject Aircraft was defective and unreasonably dangerous and unsafe by reason of its defective design, manufacture, selection, assembly, inspection, testing, sale, and/or by reason of inadequate instructions and/or procedures and/or by reason of the failure to warn of the same through warnings and cautions, in, among other things, that the Subject Aircraft:

- a. was designed and/or manufactured in a manner that allowed dangerously unsafe clearance of rotor blades to other helicopter systems through a defective main and tail rotor assembly;
- b. was designed and/or manufactured in a manner that failed to ensure a properly working FADEC system, which lead to, amongst other things, an engine overspeed;
- c. was designed in a manner that departed from the standards used in the aviation industry in that failed to protect against rotor blade strikes;
- d. was designed in a manner that departed from the standards used in the aviation industry in that failed to sufficiently permit a pilot to perform emergency corrections in a malfunctioning engine;
- e. was designed with component parts, including its main and tail rotor assembly/system that deviated in manufacture, construction, and composition at the time the product left the manufacturer's control in a material way from the manufacturers specifications or performance standards, minimum design standards, or industry standards and from otherwise identical model rotorcraft;
- f. was designed, manufactured, selected, assembled, tested, marketed and distributed such that it did not provide adequate warnings of the risks of the dangerously unsafe clearance of its rotor blades;
- g. was designed, manufactured, selected, assembled, tested, marketed and distributed with defective avionic system that failed to provide sufficient warnings to pilots, including those for engine and rotor malperformance;
- h. lacked adequate warnings to users of the Subject Aircraft's likelihood for dangerously unsafe rotor assemblies and FADEC system even after the Subject Aircraft was sold, and after the risks of such catastrophic failures was known to Defendants; and



- i. suffered from some other defect in design, manufacture, and/or warning that rendered the product unreasonably dangerous for its normal or intended use to be proven through discovery or at the trial of this matter.

47. A safer alternative design existed for the Subject Aircraft by, *inter alia*, providing greater clearance between the rotor blades and the tail boom which would have significantly reduced the risk of injuries to Plaintiff without impairing the products utility and was entirely economically and technologically feasible at the time the Subject Aircraft left control of the manufacturer by the application of existing and reasonably achievable scientific knowledge.

48. A safer alternative design existed for the Subject Aircraft by, *inter alia*, providing a FADEC that would address emergent engine conditions and/or permit manual pilot overrides in emergent situations, which would have significantly reduced the risk of injuries to Plaintiff without impairing the products utility and was entirely economically and technologically feasible at the time the Subject Aircraft left control of the manufacturer by the application of existing and reasonably achievable scientific knowledge.

49. David Baker's injuries and death were proximately caused by the above defective, unreasonably dangerous and unsafe conditions of the Subject Aircraft.

50. As a direct and proximate result of the defects in the Subject Aircraft and its component parts as set forth above, Plaintiff suffered the damages set forth and described further herein, which far exceed the minimum jurisdictional limits of this Court.

**B. COUNT TWO: NEGLIGENCE CLAIMS AGAINST BELL TEXTRON.**

51. Plaintiff incorporates the above paragraphs by reference.

52. At all times relevant hereto, Bell Textron owed a duty of reasonable care in designing, manufacturing, selecting, assembling, testing, marketing, selling, distributing, the Subject Aircraft and its components parts and to reasonably ensure that Subject Aircrafts rotor systems and FADEC systems were safe for their foreseeable and intended use.

53. Bell Textron negligently designed, manufactured, and marketed the Subject Aircraft.

54. The Federal Aviation Administration ("FAA") has set forth minimum airworthiness standards for rotorcraft (helicopters) in 14 C.F.R. Part 27.

55. Pursuant to 14 C.F.R. § 27.661, titled "Rotor Blade Clearance":

There *must be enough clearance between the rotor blades* and other parts of the structure to prevent the blades from *striking* any part of the structure *during any operating condition*. (Emphasis added).

56. Bell Textron did not design the Subject Aircraft to provide enough clearance between the rotor blades and the other helicopter structures.
57. Upon information and belief, Bell Textron falsely misled the FAA in its testing and certification process and were otherwise aware of this catastrophic risk and consciously chose to disregard it.
58. Additionally, this was the first Bell Helicopter that ever utilized a Safran engine, which was designed and manufactured in Texas for the Bell 505X.
59. The Safran Arrius 2R engine and its FADEC system were negligently utilized on the Subject aircraft and marketed by Bell Textron.
60. The Subject Aircraft and its FADEC system, as designed, prevented the pilot of this accident aircraft from being able to safely perform any emergency maneuvers or procedures once the emergency was recognized.
61. Bell Textron knew or should have known of the defective engine and FADEC system in the Subject Aircraft at the time it was designed, marketed, and distributed.
62. Additionally, upon information and belief, Bell Textron was careless, negligent, and/or reckless in its design, manufacture, assembly, testing, sale and distribution in the Subject Aircraft, in that, *inter alia*, they:
  - a. Designed and/or manufactured the Subject Aircraft in a manner that unreasonably and dangerously departed from safe design such that it failed to allow for critical clearance of the rotors and for inadequately warning of that insufficient clearance;
  - b. Selected and assembled component systems and parts of the Subject Aircraft, including but not limited to its main rotor and tail rotor systems, in a manner that unreasonably and dangerously departed from a safe design that it failed to allow for critical clearance of the helicopters other systems;
  - c. Tested and inspected the Subject Aircraft and its systems, including its rotor systems, that unreasonably and dangerously failed to discover the insufficient clearance of its rotors in all foreseeable flight operations;
  - d. Failed to incorporate available technology and/or parts that would have prevented the insufficient clearance between the rotors and the other helicopter systems;

- e. Failed to select and/or use other component parts, capable of sustaining rotor clearance through all types of flight conditions;
- f. Failed to ensure the Subject Aircraft was manufactured according to design specifications to ensure rotor clearance;
- g. Failed to utilize adequate and comprehensive training in its Texas facility for pilots, including the pilot of the Subject Aircraft;
- h. Failed to utilize accurate and comprehensive training as to the Subject Aircraft's FADEC system;
- i. Provided inadequate and misleading training instructions to pilots for the emergency scenario experienced by the Subject Aircraft; and
- j. Failed to adequately warn users of the Subject Aircraft of the likelihood of a rotor strike or inoperable FADEC in certain flight conditions, even after such risks of these critical failures came to the attention of the Defendants.

63. Bell Textron's negligence set forth above and herein was a substantial factor in bringing about the death of David Baker.

64. Without Bell Textron's negligence, David Baker would not have suffered his catastrophic injuries and death.

65. As a direct and proximate result of negligence of Bell Textron as set forth above, Plaintiff suffered the damages set forth and described further herein, which far exceed the minimum jurisdictional limits of this Court.

**C. COUNT THREE: STRICT LIABILITY FOR DEFECTIVE DESIGN AGAINST THE SAFRAN DEFENDANTS.**

66. Plaintiff incorporates the above paragraphs by reference.

67. The Safran Defendants placed the Subject Aircraft's engine, the Airrius 2R ("Subject Engine"), into the stream of commerce.

68. The Safran Defendants designed, manufactured, and marketed the Subject Engine in Texas.

69. At all times pertinent hereto, the Subject Engine was operated as intended and was used in the manner for which, it and its component systems and parts, were designed, manufactured, selected, assembled, tested distributed and intended to be used, and in a manner foreseeable to the Safran Defendants as designer and manufacturer of the Subject Engine.

70. The Subject Engine was defectively designed and marketed such that it was unreasonably dangerous.

71. The Safran Defendants had never previously placed one of its engines on a Bell Defendants' aircraft. This Subject Aircraft was the first Bell Helicopter that ever utilized a Safran engine, which was designed and manufactured in Texas for the Subject Aircraft.

72. The Subject Engine and its FADEC system were defectively designed and marketed such that it was unreasonably dangerous.

73. The Subject Engine and its FADEC system, as designed, prevented the pilot of this accident aircraft from being able to safely perform any emergency maneuvers or procedures once the emergency was recognized.

74. The Safran Defendants knew or should have known of the defective engine and FADEC system at the time it was designed, marketed, and distributed.

75. At all times relevant hereto, the Subject Engine was defective and unreasonably dangerous and unsafe by reason of its defective design, manufacture, selection, assembly, inspection, testing, sale, and/or by reason of inadequate instructions and/or procedures and/or by reason of the failure to warn of the same through warnings and cautions, in, among other things, that the Subject Engine:

- a. was designed and/or manufactured in a manner that prevented timely recognition of a catastrophic engine overspeed through a defective FADEC system;
- b. was designed and/or manufactured in a manner that failed to ensure a properly working FADEC system, which led to, amongst other things, a catastrophic engine overspeed;
- c. was designed in a manner that departed from the standards used in the aviation industry in that failed to provide a pilot with adequate ability to perform emergency procedures;
- d. was designed in a manner that departed from the standards used in the aviation industry in that failed to sufficiently permit a pilot to perform emergency corrections in a malfunctioning engine;
- e. was designed with component parts, including its FADEC system that deviated in manufacture, construction, and composition at the time the product left the manufacturer's control in a material way from the manufacturer's specifications or performance standards, minimum design standards, or industry standards and from otherwise identical model rotorcraft;

- f. was designed, manufactured, selected, assembled, tested, marketed and distributed such that it did not provide adequate warnings of the risks of the malfunctioning FADEC;
- g. lacked adequate warnings to users of the Subject Engine's likelihood for a failed FADEC system even after the Subject Engine was sold, and after the risks of such catastrophic failures was known to Defendants; and
- h. suffered from some other defect in design, manufacture, and/or warning that rendered the product unreasonably dangerous for its normal or intended use to be proven through discovery or at the trial of this matter.

76. A safer alternative design existed for the Subject Engine, *inter alia*, providing automatic power decrease when an overspeed was foreseeable, e.g. with loss of tail rotor function, which would have significantly reduced the risk of injuries to Plaintiff without impairing the products utility and was entirely economically and technologically feasible at the time the Subject Aircraft left control of the manufacturer by the application of existing and reasonably achievable scientific knowledge.

77. A safer alternative design existed for the Subject Engine, *inter alia*, providing a FADEC that would address emergent engine conditions and/or permit manual pilot overrides in emergent situations, which would have significantly reduced the risk of injuries to Plaintiff without impairing the products utility and was entirely economically and technologically feasible at the time the Subject Engine left control of the manufacturer by the application of existing and reasonably achievable scientific knowledge.

78. David Baker's injuries and death were proximately caused by the above defective, unreasonably dangerous and unsafe conditions of the Subject Engine.

79. As a direct and proximate result of the defects in the Subject Engine and its component parts as set forth above, Plaintiff suffered the damages set forth and described further herein, which far exceed the minimum jurisdictional limits of this Court.

**D. COUNT FOUR: NEGLIGENCE CLAIMS AGAINST THE SAFRAN DEFENDANTS.**

80. Plaintiff incorporates all previous paragraphs as if set forth herein.

81. At all times relevant hereto, the Safran Defendants owed a duty of reasonable care in designing, manufacturing, selecting, assembling, testing, marketing, selling, distributing, the Subject Engine and its components parts and to reasonably ensure that Subject Engine and its FADEC system were safe for their foreseeable and intended use.

82. The Safran Defendants negligently designed, manufactured, and marketed the Subject Engine.

83. The Safran Defendants had never previously placed one of its engines on a Bell Defendants' aircraft. This Subject Aircraft was the first Bell Helicopter that ever utilized a Safran engine, which was designed and manufactured in Texas for the Subject Aircraft.

84. The Subject Engine and its FADEC system were negligently designed and marketed such that it was unreasonably dangerous.

85. The Subject Engine and its FADEC system, as designed, prevented the pilot of this accident aircraft from being able to safely perform any emergency maneuvers or procedures once the emergency was recognized.

86. The Safran Defendants knew or should have known of the defective engine and FADEC system at the time it was designed, marketed, and distributed.

87. Additionally, upon information and belief, the Safran Defendants, individually and collectively, were careless, negligent, and/or reckless in their design, manufacture, assembly, testing, sale and distribution in the Subject Engine, in that, *inter alia*, they:

- a. designed and/or manufactured the Subject Engine in a manner that prevented timely recognition of a catastrophic engine overspeed through a defective FADEC system;
- b. designed and/or manufactured the Subject Engine in a manner that failed to ensure a properly working FADEC system, which led to, amongst other things, a catastrophic engine overspeed;
- c. designed the Subject Engine in a manner that departed from the standards used in the aviation industry in that failed to provide a pilot with adequate ability to perform emergency procedures;
- d. designed the Subject Engine in a manner that departed from the standards used in the aviation industry in that failed to sufficiently permit a pilot to perform emergency corrections in a malfunctioning engine;
- e. designed the Subject Engine with component parts, including its FADEC system that deviated in manufacture, construction, and composition at the time the product left the manufacturer's control in a material way from the manufacturer's specifications or performance standards, minimum design standards, or industry standards and from otherwise identical model rotorcraft;

- f. designed, manufactured, selected, assembled, tested, marketed and distributed the Subject Engine such that it did not provide adequate warnings of the risks of the malfunctioning FADEC;
- g. failed to provide adequate warnings to users of the Subject Engine's likelihood for a failed FADEC system even after the Subject Engine was sold, and after the risks of such catastrophic failures was known to Defendants;
- h. failed to select and/or use other component parts, capable of sustaining proper FADEC capabilities in detecting potential engine problems;
- i. Provided inadequate and misleading training instructions to pilots for the emergency scenario experienced by the Subject Engine; and
- j. Failed to adequately warn users of the Subject Engine of the likelihood of an inoperable FADEC in certain flight conditions, even after such risks of these critical failures came to the attention of the Defendants.

88. The Safran Defendants' negligence set forth above and herein was a substantial factor in bringing about the death of David Baker.

89. Without Safran Defendants' negligence, David Baker would not have suffered his catastrophic injuries and death.

90. As a direct and proximate result of negligence of the Safran Defendants as set forth above, Plaintiff suffered the damages set forth and described further herein, which far exceed the minimum jurisdictional limits of this Court.

## VI. VICARIOUS LIABILITY

91. At all relevant times, the individuals who designed, manufactured, assembled, tested, and marketed the Subject Aircraft, or who were otherwise engaged in the conduct set for above for which claims are asserted against Bell Textron were employees, co-employees, agents or were subject to a right of control by Bell Textron and were at all relevant times within the course and scope of that employment or agency. Therefore, Bell Textron are liable for the conduct of those individuals.

92. At all relevant times, the individuals who designed, manufactured, assembled, tested, and marketed the Subject Engine and its FADEC system, or who were otherwise engaged in the conduct set for above for which claims are asserted against the Safran Defendants were employees, co-employees, agents or were subject to a right of control by the Safran Defendants and were at all

relevant times within the course and scope of that employment or agency. Therefore, the Safran Defendants are liable for the conduct of those individuals.

93. At all relevant times, the Safran Defendants were engaged in a joint venture or joint enterprise relating to the design, manufacturing, marketing, and sale, and other conduct set forth above related to the Subject Engine and its FADEC system, and therefore the Safran Defendants are jointly and severally liable for the liabilities and damages arising from their failures as set forth above.

94. Pleading further, Safran Helicopter Engines USA, Inc. is an alter-ego of Safran USA, Inc. Pleading further, Safran Helicopter Engines USA, Inc. was a mere tool or business conduit through which Safran USA, Inc. engaged in commerce related to the Subject Engine. Therefore Safran USA, Inc. is jointly and severally liable for any liability found by the jury attributable to Safran Helicopter Engines USA, Inc.

## VII. DAMAGES

### **A. ESTATE OF DAVID BAKER.**

95. Pursuant to TEXAS CIVIL PRACTICE & REMEDIES CODE § 71.021, the Estate of David Baker is entitled to and seeks damages to David Baker for the following elements from the time of the incident complained of until the time of his death:

- a. Physical pain and mental anguish including conscious fear of impending death; and
- b. Funeral expenses.

96. As a result of the foregoing, David Baker incurred injury and damages in an amount in excess of the minimum jurisdictional limits of this court, and Plaintiff pleads for such damages as authorized in this case. Plaintiff further requests that this case be tried to a jury and that the Estate of David Baker be awarded fair and reasonable damages as determined by the jury.

### **B. WRONGFUL DEATH DAMAGES OF A.B. AND H.B.**

97. Pursuant to TEXAS CIVIL PRACTICE & REMEDIES CODE § 71.004(a), A.B. and H.B. are wrongful death beneficiaries as the surviving children of David Baker and are entitled to damages including, but not limited to the following:

- a. Mental anguish sustained in the past;
- b. Mental anguish that will be sustained in the future;



- c. Loss of the care, maintenance, support, services, advice, counsel and reasonable contributions of a pecuniary value, excluding loss of inheritance, in the past;
- d. Loss of the care, maintenance, support, services, advice, counsel and reasonable contributions of a pecuniary value, excluding loss of inheritance, that will be sustained in the future;
- e. Loss of companionship and society sustained in the past;
- f. Loss of companionship and society that will be sustained in the future; and
- g. Loss of inheritance.

98. As a result of the foregoing, A.B. and H.B. each incurred injury and damages in an amount in excess of the minimum jurisdictional limits of this court, and Plaintiff pleads for such damages as authorized in this case. Plaintiff further requests that this case be tried to a jury and that A.B. and H.B. each be awarded fair and reasonable damages as determined by the jury.

VIII.  
PRE-JUDGMENT AND POST JUDGMENT INTEREST

99. Plaintiff requests pre-judgment and post-judgment interest in accordance with the maximum legal interest rates allowable as interpreted under the laws of the State of Texas.

IX.  
REQUEST FOR A JURY TRIAL

100. Plaintiff demands a jury trial on all issues so triable and has paid the fee contemporaneously with the filing of this Petition.

X.  
REQUEST FOR DISCLOSURES

101. Pursuant to TEXAS RULE OF CIVIL PROCEDURE 194, Defendants are requested to disclose the information and material described in Rule 194.2. The written responses to the above requests for disclosure should conform to Rule 194.3 and the materials, documents, and/or copies of the same should be produced in compliance with Rule 194.4. The written responses, materials and/or documents are to be delivered to THE BEASLEY FIRM, LLC, 1125 Walnut St., Philadelphia, PA 19107 and to ALDOUS \ WALKER <sup>LLP</sup>, 4311 Oak Lawn Ave., Suite 150, Dallas, TX 75219, as required following receipt of this request.

XI.  
NOTICE OF PRESERVATION OF EVIDENCE

102. *Plaintiff hereby demands and requests that defendants take necessary action to ensure the preservation of all documents, communications, whether electronic or otherwise, items and things in the possession or control of any party to this action, or any entity over which any party to this action has control, or from whom any party to this action has access to, any documents, items, or things which may in any manner be relevant to or relate to the subject matter of the causes of action and/or the allegations of this complaint.*

XII.  
PRAYER

103. Plaintiff prays that Defendants be cited to appear and answer herein, and that upon final determination of these causes of action, Plaintiff receive a judgment against Defendants, jointly and severally, awarding the Plaintiff as follows:

- a. Actual, compensatory, and consequential damages, in an amount in excess of the minimal limits of the Court against the named Defendants;
- b. Costs of Court;
- c. Prejudgment interest at the highest rate allowed by law from the earliest time allowed by law;
- d. Interest on judgment at the highest legal rate from the date of judgment until collected; and
- e. All such other and further relief at law and in equity to which the Plaintiff may show himself to be justly entitled.

Respectfully submitted,

/s/ Lane R. Jubb, Jr.

JAMES E. BEASLEY, JR.

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*Pro Hac Vice Application Forthcoming*

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ATTORNEYS FOR PLAINTIFF