

Helicopter-Maker Claims Supplier Had 'Reliability Issues'

By **Spencer Brewer**

Law360 (September 26, 2024, 8:49 PM EDT) -- A former Fort Worth, Texas-based Bell Helicopter Textron Inc. engineer claimed a supplier at the center of a \$100 million trade secrets lawsuit delivered parts that had "reliability issues," saying Thursday during a trial in Texas state court that the supplier had long-standing problems.

California-based digital avionics equipment supplier Rogerson Aircraft Corp. sued Bell in 2017, claiming that the aerospace manufacturer ran a surreptitious program called "Project Cicada" for years to replace it with a competitor, using Rogerson's trade secrets to prep the rival for the eventual shift.

But a former Bell engineer named David Meek told a Texas jury that Rogerson's parts had issues, such as glass cracking or displays going blank. The aerospace company grew increasingly concerned because helicopters in the field "have to fly," he said.

"[Rogerson] units failed often enough that they were a problem for operators," Meek said during trial Thursday.

Bell sent Rogerson recommendations for how the supplier could improve its product and set a timeline for it to do so. Raija J. Horstman of Crowell & Moring LLP, who represents Bell, asked if Rogerson was meeting the agreed-upon schedule to improve its products. Meek answered that it wasn't.

"Was Bell happy about that?" Horstman asked. She also asked if Rogerson had failed to meet deadlines before. Meek said that the aerospace manufacturer wasn't happy, and that Rogerson had failed to meet deadlines more than once.

Elinor Sutton of Quinn Emanuel Urquhart & Sullivan LLP, who represents Rogerson, asked Meek if the fact that the supplier sued Bell in 2017 made working with Rogerson more difficult, or if tensions were high. Meek answered that the lawsuit didn't make it more difficult for him to work with Rogerson.

When prompted, he claimed he didn't know if his current employer had any business with Bell. If it does, he's not involved in it, he added. Sutton pointed out that Bell had launched Project Cicada in secret for fear that Rogerson would stop making units for Bell, but the supplier kept sending units even after launching the lawsuit. Meek agreed with that statement.

Meek played a role in Project Cicada. Sutton asked if he had any regrets about his work on Project Cicada — he answered that he didn't.

Rogerson produced the avionics and display systems for Bell's twin-engine helicopter cockpits for decades, and over the course of its work, it developed jointly-owned designs and trade secrets with Bell. Rogerson sued because it said Bell gave a rival those trade secrets to produce a replacement product, avoiding a lengthy process of redesigning the systems and getting Federal Aviation Administration approval for the replacement.

Rogerson Aircraft Corp. and a related entity are represented by Joseph F. Cleveland Jr. of Brackett & Ellis PC and Patrick T. Schmidt, William B. Thompson, Elinor C. Sutton and Karl S. Stern of Quinn Emanuel Urquhart & Sullivan LLP.

Bell is represented by Lars L. Berg, Derek W. Anderson, Christian Martinez and James Austin Franklin of Kelly Hart & Hallman LLP, and Kent B. Goss, Valerie M. Goo, Raija J. Horstman, Mariam Sarwar and Scott L. Bittman of Crowell & Moring LLP.

The case is Rogerson Aircraft Corp. et al. v. Bell Helicopter et al., case number 348–296827–17, in the 348th District Court of Tarrant County, Texas.

--Editing by Kristen Becker.