An Introduction to Our Aviation Practice
Our Firm

Crowell & Moring LLP is a full-service law firm based in Washington, D.C., with offices in New York, Brussels, London, Los Angeles, and Orange County, California. Our 450+ attorneys assist clients with a broad spectrum of civil disputes, regulatory and administrative matters, international trade, civil and criminal investigations, high-stakes litigation, governance and business counseling activities. Our clients include Fortune 100 companies and multinational corporations competing in a wide range of domestic and international industries, foreign governments, trade associations and scientific, charitable, educational and other non-profit organizations.

In both education and experience, our lawyers come from diverse backgrounds that enable the firm to offer premier client service. Fifty different law schools, many different nationalities and more than 20 different languages are represented on our legal staff. Many of our lawyers and specialists have held prestigious positions in the public and private sectors before joining the firm, including, for example, Assistant Administrator of the Federal Aviation Administration, U.S. Attorney for the District of Columbia, and Deputy Assistant Attorney General responsible for the Torts Branch of the Civil Division, U.S. Department of Justice.

This brochure contains an overview of our Aviation practice. If you have any questions or would like additional information, we invite you to visit our website, www.crowell.com/aviation, for additional information about our professionals and the services we provide.

Contents

Our Aviation Practice ..................................................... 2
Aviation Litigation and Dispute Resolution ..................... 2
Regulatory, Administrative, and Legislative Work............. 5
Business Aviation and Transactional Work ................... 6
Our People..................................................................... 7
Our Aviation Practice

Aviation is one of the cornerstone practices of Crowell & Moring, and our relationships and experience in the aviation industry and with government regulators are long-standing and strong. Our aviation clients include leading airlines, aircraft and aircraft parts manufacturers, industry organizations, aircraft owners, charter operators, and other companies with aviation interests. Our expertise includes litigation, enforcement, regulatory, administrative, transactional, and legislative matters.

Our aviation clients benefit from the substantial and varied industry experience of our attorneys, which include former Air Force officers, civilian pilots, an active certified flight instructor, an attorney/engineer who worked for Gulfstream Aerospace Corporation and The Boeing Company, the former head of the U.S. Department of Justice Torts Branch, a former Navy fighter pilot and incident investigator, and a former Assistant Administrator of the Federal Aviation Administration. Our attorneys frequently speak and write about national and international aviation issues, contributing articles to such leading publications as the Journal of Air Law and Commerce, the Tort & Insurance Practice Law Journal, the Air & Space Lawyer, the Gazette du Palais, the Aviation Business Journal, and Mealey’s Litigation Reports. One of our attorneys recently contributed a chapter to the American Bar Association Section of Litigation’s textbook “Litigating the Aviation Case.”

We represent a broad variety of clients in aviation-related matters, including leading aerospace manufacturers, airlines, and the flight departments of Fortune 500 companies. We have represented two-thirds of the companies in the Fortune 500 listing for the Aerospace industry and all of the top seven companies listed there. Manufacturer clients include Lockheed Martin Corp., BAE Systems, United Technologies Corp., and Parker Hannifin. Airline clients include Aer Lingus, Continental Airlines, ExpressJet, Northwest Airlines, SkyWest, Southern Air, and Sunworld International Airlines. We also represent aviation industry organizations, including the Regional Airline Association and Helicopter Association International, and serve as counsel on special assignments for the Airlines Reporting Corporation.

Aviation Litigation and Dispute Resolution

Crowell & Moring lawyers have substantial experience handling complex product liability, tort, commercial, and insurance litigation, as well as alternative dispute resolution proceedings in the U.S. and internationally. We combine the specialized experience of attorneys who are leaders in the field of aviation law with the know-how and resources of an established international litigation firm.

Our attorneys represent aviation clients in complex products liability and negligence cases, litigation involving wrongful death and personal injury claims, the defense of antitrust claims, DOT and FAA enforcement actions, and commercial contract disputes. Our attorneys also handle aviation-related terrorism and security cases. We are frequently involved in cross-border and multi-jurisdictional matters. Our lawyers are experienced in handling issues such as choice-of-law, jurisdiction, forum non conveniens, the Federal Tort Claims Act, the Foreign Sovereign Immunities Act, and various international treaties including the Warsaw Convention and the Montreal Convention.
Aviation-related disputes handled by our attorneys that demonstrate the breadth and depth of our experience include the following:

- Represent a manufacturer of aircraft ground support equipment in defense of product liability claims.
- Represent bearing manufacturer in product liability litigation arising out of a helicopter crash.
- Represent airport authority in claims arising out of collapse of airport terminal at Charles de Gaulle Airport in Paris; also represented airport authority and airline in wrongful death litigation in the U.S. arising from collapse resulting in successful settlement of claims asserted on behalf of U.S. and Lebanese residents.
- Represent Caribbean airline in defense of personal injury claims arising out of an emergency landing.
- Represent hangar owner in defense of claims arising from destruction of aircraft due to ground fire.
- Represent major aircraft component manufacturer in defense of FAA Part 13 complaint.
- Defended a Fortune 50 manufacturing company in multidistrict proceeding arising out of Swissair Flight 111 crash. The litigation involved about 80 separate lawsuits against our client asserting claims of negligence, strict product liability, and breach of warranty, with plaintiffs seeking in total roughly $16 billion in damages.
- Obtained the dismissal of a manufacturer from a multidistrict proceeding in the U.S. District Court for the Eastern District of New York, which arose out of the crash of EgyptAir Flight 990 off the coast of Nantucket.
- Represented Deutsche Aerospace in the crash of a JPATS prototype aircraft during test flight in Germany.
- Represented French helicopter manufacturer in product liability suits throughout the U.S.
- Represented Caribbean airline in a wrongful death claim arising out of a crash in the Caribbean and involving complex issues under the Warsaw Convention.
- Represented foreign airlines in cases arising out of major accidents including Avianca crash in Long Island, N.Y., Aeroperu crash in Peru, LOT Polish Airlines crash in Warsaw, China Airlines crash in Hualien and Indian Airlines crash in Ahmedabad.
- Represented DuPont in an aviation product liability action arising out of precautionary landing performed when flight crew observed smoke in the cabin. After briefing statute of limitations issues, DuPont reached a favorable settlement with the plaintiffs.
- Represented component manufacturer in briefing that persuaded the U.S. Supreme Court to approve and define the “government contractor defense” against product liability claims.
- Represented UTC in litigation arising out of a product liability lawsuit brought against the Sikorsky Aircraft division of UTC by widow of U.S. Army officer killed in a helicopter crash. The case underwent substantial discovery and motions practice, ultimately resulting in UTC’s dismissal at the summary judgment phase.
Represented firm client in an inquiry undertaken by the U.K. Air Accidents Investigation Branch into the cause of an incident involving the emergency landing of a Boeing 767. C&M assisted client in providing the AAIB with comments on draft official report, many of which were adopted in the final report.

Represented Union Carbide in litigation arising out of the 1982 Air Florida crash. Plaintiffs alleged, among other things, that Union Carbide’s deicing product was defective. We litigated through the discovery phase, and thereafter obtained a favorable settlement for Union Carbide.

Represented the Regional Airline Association in connection with aviation security cases pending against airlines in which we negotiated a historical global settlement that resolved the cases for a fraction of the fines originally proposed by the FAA.

Represented an insurance company in a case brought against the U.S. government to enforce a settlement agreement arising out of the Vietnam evacuation. The insurer, on behalf of Lockheed, filed an action seeking to enforce the settlement agreement. Following a week-long trial, C&M obtained a favorable settlement for the insurer.

Defended a major U.S. aerospace company against State Department administrative charges arising from the alleged unauthorized transfer of technical data and performance of defense services in connection with satellite launch in China.

Represented major airlines in federal court against a nationwide class of airline passengers alleging “price signaling” and other tacitly collusive practices by the eight major U.S. airlines through use of computer reservation systems.

Represented numerous aviation clients before the FAA in post-ValuJet enforcement actions regarding issues growing out of the packaging and labeling of hazardous materials carried aboard aircraft. C&M has been successful in obtaining favorable settlements in these matters; none proceeded to an administrative hearing.

Represented families of the victims of the 1989 bombing of a jumbo jet over the Sahara Desert, killing 170 passengers and crew, against the Government of Libya, resulting in the largest judgment in a contested terrorism case against a foreign sovereign.

Defended a fixed base operator in an FAA enforcement action involving allegations of improper maintenance record keeping.

Represented maintenance personnel of a U.S. airline before the FAA for alleged violations of safety regulations.

In addition, as a consequence of C&M’s extensive representation of aerospace and defense companies with respect to their government contracts, we have broad experience in investigating and defending claims of product defects for most military hardware, including helicopters, pilot visors, aircraft subassemblies, night vision goggles, ground-to-air missiles, ICBM guidance systems, artillery ammunition, and radar and electronics of every description.

Crowell & Moring is also General Counsel to the Helicopter Association International ("HAI"), the trade association for the helicopter industry. HAI’s more than one thousand members include about 450 companies and civilian governmental entities that own/operate helicopters, and a host of airframe, engine, avionics and parts manufacturers. Over the years, a number of aviation
product liability issues have come up in the industry. Although HAI itself typically does not get involved in litigation, HAI becomes intimate with product claims, particularly those involving a widely used product, a serious accident involving multiple fatalities, or some operation that is frequent in the industry. On several occasions we have counseled HAI on responding to subpoenas for information in such cases.

From the litigation of individual matters to multi-jurisdictional proceedings warranting international coordination, we have the expertise and depth to meet our aviation clients’ objectives. Our attorneys have extensive experience in managing and directing high-stakes, discovery-intensive cases, as well as using computers and technology for litigation purposes such as electronic discovery, document management, and trial practice. With our multi-jurisdictional practice and offices in London and Brussels, we are especially sensitive to cross-border discovery, privacy, and jurisdictional issues. We also offer a track record of successful negotiation and settlement of complex disputes on terms favorable to our clients.

**Regulatory, Administrative, and Legislative Work**

Our regulatory work focuses primarily on the U.S. Department of Transportation (DOT) and the Federal Aviation Administration (FAA) and matters such as agreements among airlines, airline alliances, enforcement, airport access, antitrust immunity, computer reservation systems, certification and licensing, competition, flight operations, noise, hazardous materials, mergers and acquisitions, route authority, safety, and security.

Helping clients understand and shape rulemaking proceedings initiated by the various U.S. agencies that regulate aviation issues is an important part of our Aviation practice. We regularly help clients evaluate and prepare comments in DOT proceedings. We also represent clients before other federal departments and agencies, including the Departments of Commerce, Homeland Security, State and Treasury, the National Transportation Safety Board and the Postal Service. We work often with the Department of State and foreign governments on bilateral and multilateral aviation issues and serve as an advisor in international negotiations. Examples of rulemakings in which we have represented clients include the following:

- Congestion, Delay Reduction and Operating Limitations at Chicago O’Hare International Airport, (FAA-2005-20704).
- Air Cargo Security Requirements (TSA-2004-19515).

We also have engaged extensively in appellate work on a variety of administrative agency decisions, including FAA enforcement actions against airlines and certificated persons and appeals to the NTSB. In the legislative field, we assist clients in achieving their objectives by furnishing assistance in drafting legislation and testimony on issues such as airline regulation, foreign investment in airlines, airport access and slot regulation.
Working with attorneys in other specialties at Crowell & Moring and economists and trade experts at C&M International, our aviation-related practice also includes antitrust, bankruptcy, contracts, customs, export control, financing, immigration, labor and employment, tax and trade work. We also have significant experience with the specialized antitrust issues in the airline industry, from engagements with major U.S. airlines and other entities. Representative antitrust matters include:

- Providing counseling and resolving competitive concerns associated with the sale of airport slots and international routes.
- Representing a major U.S. airline in litigation with the DOJ and private plaintiffs involving the Airline Tariff Publishing Company (ATP).
- Providing counseling and advice on antitrust issues in connection with the formation of code sharing alliances among major carriers.

Our attorneys routinely advise airlines and airline organizations on aviation excise tax, user fee and other tax issues.

**Business Aviation and Transactional Work**

Our business aviation practice encompasses the full range of transactional and regulatory issues affecting corporate aircraft owners and operators. We represent a wide variety of clients including major Fortune 100 corporations and private individuals, both foreign and domestic, in aircraft sale, purchase, lease, fractional ownership, management and finance transactions. Some of our clients own a small fractional interest, others have large flight departments, and still others are operators of large aircraft. We assist clients in negotiating and documenting a host of contractual matters faced by every aircraft operator and owner, charter operator, management company, and FBO.

Our attorneys have specialized expertise and knowledge to address the complex business and regulatory issues related to business aircraft ownership, leasing, and operations. Business aviation is a highly regulated, multi-billion dollar industry that can be, at times, counter-intuitive even for a sophisticated owner or operator. Owners who create special purpose entities in order to shield themselves from liability may find themselves operating an illegal air charter service. Even seemingly minor infractions of the Federal Aviation Regulations can put an owner in violation of its insurance policy. Owners who acquire aircraft out-of-state to avoid sales tax find themselves paying the taxes at home, with penalties and interest.

We help our clients navigate this environment. Our attorneys have a thorough understanding of the business aviation industry. We regularly negotiate and administer a variety of corporate jet sales, leases, and acquisitions. We also provide advice on FAA, DOT and income and excise tax issues affecting aircraft operations and corporate flight departments, and we assist our clients in structuring their aircraft operations to comply with applicable FAA, DOT and IRS requirements.

For many of our clients, we also monitor industry and regulatory developments that may affect them.
Our People

Crowell & Moring was founded by a small group of lawyers who left a large corporate firm because they believed in doing things differently. Our internationally recognized attorneys practice sophisticated law at the highest level, yet share a culture that values openness, creativity, and taking pleasure in what we do.

Our aviation practice has a core collection of attorneys, including:

<table>
<thead>
<tr>
<th>Name</th>
<th>Email</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>R. Bruce Keiner</td>
<td><a href="mailto:rbkeiner@crowell.com">rbkeiner@crowell.com</a></td>
<td>202/624.2615</td>
</tr>
<tr>
<td>Lorraine Halloway</td>
<td><a href="mailto:lhalloway@crowell.com">lhalloway@crowell.com</a></td>
<td>202/624.2538</td>
</tr>
<tr>
<td>Megan Rosia</td>
<td><a href="mailto:mrosia@crowell.com">mrosia@crowell.com</a></td>
<td>202/624.2765</td>
</tr>
<tr>
<td>Eileen Gleimer</td>
<td><a href="mailto:egleiner@crowell.com">egleiner@crowell.com</a></td>
<td>202/624.2480</td>
</tr>
<tr>
<td>Mike Gill</td>
<td><a href="mailto:mgill@crowell.com">mgill@crowell.com</a></td>
<td>202/508.8843</td>
</tr>
<tr>
<td>Mark Ringel</td>
<td><a href="mailto:mringel@crowell.com">mringel@crowell.com</a></td>
<td>202/624.2657</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Email</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lisa Savitt</td>
<td><a href="mailto:lsavitt@crowell.com">lsavitt@crowell.com</a></td>
<td>202/624.2761</td>
</tr>
<tr>
<td>Paul Alp</td>
<td><a href="mailto:palp@crowell.com">palp@crowell.com</a></td>
<td>202/624.2747</td>
</tr>
<tr>
<td>Gerald Murphy</td>
<td><a href="mailto:gmurphy@crowell.com">gmurphy@crowell.com</a></td>
<td>202/508.8855</td>
</tr>
<tr>
<td>Scott Winkelman</td>
<td><a href="mailto:swinkelman@crowell.com">swinkelman@crowell.com</a></td>
<td>202/624.2972</td>
</tr>
<tr>
<td>Daniel Campbell</td>
<td><a href="mailto:dcampbell@crowell.com">dcampbell@crowell.com</a></td>
<td>202/624.2544</td>
</tr>
<tr>
<td>Meaghan Molinini</td>
<td><a href="mailto:mmolinini@crowell.com">mmolinini@crowell.com</a></td>
<td>202/624.2971</td>
</tr>
</tbody>
</table>

Like the firm’s other practice areas, this group is not defined by rigid boundaries. Where appropriate to meet client needs, we tap into our attorneys’ broad range of experience by staffing matters with talented professionals from across our practice groups and offices.