

Woman sues plane maker over Mansfield air fatality

By Paul Corbitt

News Journal

MANSFIELD - Kimberly Anne Auer of Greenville, S.C., whose parents, brother and grandmother were killed in a mysterious plane crash Jan. 2 near Mansfield, has filed a \$30 million lawsuit against the manufacturer of the airplane and its flight control systems.

Miss Auer's lawsuit, which was filed today in U.S. District Court in Akron, alleges that negligence by the manufacturer of the Mitsubishi MU-2 plane caused the death of her brother, her mother and her grandmother.

A separate lawsuit on behalf of her father will be filed later, according to Mansfield attorney James Calhoun of Calhoun, Benzin, Kademenois and Reichel, who represents Miss Auer.

The lawsuit requests \$5 million each in damages for the death of her brother and mother, and \$3 million for her grandmother from Mitsubishi Heavy Industries America Inc., doing business as Mitsubishi Aircraft International Inc. of Dallas, Texas.

Also named as defendants in the wrongful death for alleged negligent action are Baronco-Aire Ltd. of Greenville, which owned and leased the MU-2 that crashed; O.K. Aviation Inc. of San Jose, Calif., which sold the MU-2 to Baronco; and Bendix/King General Aviation Avionics, a division of Allied-Signal Inc. of

Cleveland, which manufactured the plane's flight controls, including its autopilot system.

The lawsuit also asks for a total of \$15 million in damages from Mitsubishi and Bendix based on wrongful death due to alleged defects in the manufacture and assembly of the plane's flight controls.

Also included in the lawsuit is a request for \$600,000 for additional damages for the estates of William J. and Judith Auer and Anne C. Auer.

The crash of the Mitsubishi MU-2 killed Miss Auer's father, William A. Auer, 51, the pilot; her mother, Judy Auer, 47, of Sandusky; her grandmother, Anne C. Auer, 84 of Mansfield; and her brother, William J. "Bill" Auer Jr., 20, a student at The Ohio State University.

Miss Auer's father was returning family members to Mansfield from a holiday vacation in Greenville when the twin-engine turboprop fell nose first into a snowy field about seven miles southeast of Mansfield Lahn Airport. Auer had not radioed that the plane was in trouble as he made his landing approach.

The impact of the crash drove the fuselage of the plane four feet deep into the frozen pasture. One witness said the plane seemed to be thrown into the ground like a dart, while another said "the plane was flat and no longer looked like a plane."

Auer had nearly 12,000 hours flying time as a pilot with more than 2,800 hours flying experience in the MU-2 model plane, a high performance corporate aircraft troubled by what some thought was an unusually high number of accidents.

The MU-2, which was produced from the mid-1960's to the mid-1980's was manufactured in Japan and assembled in Texas. The plane cruised at speeds of 300-500 mph, making it one of the fastest turboprop business planes, and had up to 11 seats. Pilots said the plane was a demanding craft to fly.

The MU-2 passed a 1983 Federal Aviation Administration review which showed that most of the plane's crashes were due to pilot error. However some of those accidents reportedly involved an autopilot that malfunctioned, putting the plane into a dive.

The FAA ordered modifications made to the MU-2 autopilot, and its accident rate had declined in recent years.

The National Transportation Safety Board has not yet completed its review of the accident, but says preliminary reading of the maintenance logs of the Auer plane showed it complied with the federal airworthiness requirements.