

\$26 million suit over plane crash that killed family

By Paul Corbitt
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MANSFIELD - The investigation of the plane crash that killed Mansfield native William A. Auer and three members of his family a year ago will soon be complete, but a court battle is just beginning.

A report should be released by mid-January giving the probable cause of the Jan. 2 crash of the plane. Auer was flying to Mansfield Lahm Airport, according to Phillip Powell, air safety investigator for the National Transportation Safety Board.

Meanwhile, a federal judge in Cleveland likely will begin proceedings in January on a \$26 million lawsuit filed by Auer's daughter, Kimberly Anne, of Greenville, S.C., against the manufacturers of the Mitsubishi MU-2 and its flight control systems.

U.S. District Court Judge John M. Manos will probably assemble the lawyers of all parties for a pre-trial conference in January, a spokesman for the high court located in Cleveland said Friday.

In a lawsuit filed in late October, Miss Auer alleged that negligence by the makers of the Mitsubishi MU-2 and its flight controls caused the death of her mother, Judith C. Auer, 47, of Sandusky; her grandmother, Anne C. Auer, 84, of Mansfield; and her brother, William J. "Billy" Auer, a student at The Ohio State University.

An amended complaint adding Miss Auer's father to the lawsuit will probably be filed next week, said her attorney, James Calhoun of Calhoun, Benzin, Kademenos & Heichel of Mansfield.

The original lawsuit requests a total of \$13 million in damages from four companies for negligence that allegedly caused the death of her brother, mother and grandmother.

Named as defendants in the suit are Mitsubishi Heavy Industries America Inc., doing business as Mitsubishi Aircraft International Inc. of Dallas, the company that assembled the MU-2 that crashed; Baronco-Aire Ltd. of Greenville, S.C., which owned and leased the plane; OK Aviation Inc. of California, which sold the MU-2 to Baronco; and Bendix/King General Aviation Avionics, a division of Allied-Signal Inc., doing business in New Jersey, maker of the plane's flight controls including its autopilot system.

The lawsuit, which requests a jury trial, also asks for an additional \$13 million in damages from Mitsubishi and Bendix for allegedly breaching the warranty that the plane and its flight controls were airworthy and free of defects.

In answers filed with the federal court, the four defendants denied any negligence or any defect in the plane or its flight controls.

Calhoun said the companies are essentially saying if there was a problem, it was due to pilot error and not any way due to a fault in their product.

Manos moves cases in his court along quickly, said Calhoun, who expects a resolution to the lawsuit within a year to 15 months.

Auer, 51, was a veteran pilot with more than 2,800 hours flying time in the MU-2 model plane alone. He was returning family members to Mansfield from a holiday vacation in Greenville when the twin-engine turboprop fell nose-first into a field southeast of Mansfield Lahm Airport, killing all on board instantly. Auer had not radioed that the plane was in trouble as he made his landing approach.

The MU-2, a high-performance corporate aircraft troubled by what some thought was an unusually high number of accidents, passed a 1983 review by the Federal Aviation Administration.

That study showed that most of the MU-2's accidents were due to pilot error but some also reportedly involved an autopilot that malfunctioned and put the plane into a dive.

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