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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RUSSELL H. DAWSON, as Personal Representative of the Estate of SI YOUNG LEE; HYUN MIN LEE, a minor; SUNG HO LEE, a minor; decedent's wife and minors' guardian BOO SOOL PARK, HYUK-JO LEE, decedent's father, and SOON-RAN KIM, decedent's mother,

Plaintiffs,

v.

ROBINSON HELICOPTER COMPANY, a California corporation; CLASSIC HELICOPTER CORP., a Washington corporation; COMPRADOR HELICOPTERS, LLC, a Washington corporation, and DOES 1 to 60,

Defendants.

NO. 09-2-35591-6 SEA

COMPLAINT FOR PERSONAL INJURIES, WRONGFUL DEATH AND DESTROYED EARNING CAPACITY

COME NOW, the Plaintiffs herein and allege on information and belief as follows:

**PLAINTIFFS**

1. Plaintiff RUSSELL H. DAWSON is the duly appointed Personal Representative of the Estate of SI YOUNG LEE, deceased. Plaintiff RUSSELL H. DAWSON brings this action for the benefit of the Estate of Si Young Lee and in his representative capacity as personal representative on behalf of Boo Sool Park, the surviving spouse of Si Young Lee, and on behalf of all other relatives of Si Young Lee who have legally

COMPLAINT FOR PERSONAL INJURIES, WRONGFUL DEATH AND DESTROYED EARNING CAPACITY – Page 1

1 cognizable claims for wrongful death, including but not limited to, decedent Si Young Lee's  
2 surviving minor daughter, Hyun Min Lee, surviving minor son, Seung Ho Lee, surviving  
3 father, Hyuk-Jo Lee, and surviving mother, Soon-Ran Kim.

4 2. Plaintiffs' decedent SI YOUNG LEE was at all relevant times herein a resident  
5 of South Korea, where he was the President of a furniture company. Si Young Lee was 45  
6 years old when he was killed on August 2, 2007 after the Robinson R44 II helicopter he was  
7 traveling in suffered a sudden and catastrophic mechanical failure that caused it to crash,  
8 resulting in a post-impact fire that burned him to death due to the helicopter's defective fuel  
9 system. At the time of his death, decedent was surveying timber for purchase to transport to  
10 South Korea, where it would be processed into furniture.

11 3. Plaintiff BOO SOOL PARK is the surviving spouse of decedent SI YOUNG  
12 LEE and loving mother of his children. At all times relevant hereto Plaintiff Boo Sool Park  
13 and Si Young Lee were a married couple under the laws of South Korea, residing in South  
14 Korea.

15 4. Plaintiff HYUN MIN LEE, a minor, is the surviving daughter of decedent SI  
16 YOUNG LEE. At all times relevant hereto Plaintiff Hyun Min Lee resided in, and continues  
17 to reside in, South Korea, with her mother and Plaintiff Boo Sool Park.

18 5. Plaintiff SUNG HO LEE, a minor, is the surviving son of decedent SI  
19 YOUNG LEE. At all times relevant hereto Plaintiff Seung Ho Lee resided in, and continues  
20 to reside in, South Korea, with his mother and Plaintiff Boo Sool Park.

21 6. Plaintiff HYUK-JO LEE is the surviving father of decedent SI YOUNG LEE.  
22 At all times relevant hereto Plaintiff Hyuk-Jo Lee resided in, and continues to reside in, South  
23 Korea.

24 7. Plaintiff SOON-RAN KIM is the surviving mother of decedent SI YOUNG  
25 LEE. At all times relevant hereto Plaintiff Soon-Ran Kim resided in, and continues to reside  
26 in, South Korea.

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2  
3 **DEFENDANTS**

4 8. Defendant ROBINSON HELICOPTER COMPANY (“RHC” or “Robinson”)  
5 is a foreign corporation and the manufacturer of the Robinson R44 II helicopter, Serial No.  
6 10412, Registration No. N7531D, involved in the accident occurring on August 2, 2007  
7 (hereinafter “subject helicopter”). RHC is now and at all times herein mentioned was a  
8 corporation duly organized and existing under the laws of the State of California, and  
9 maintains corporate offices at 2901 Airport Drive, City of Torrance, County of Los Angeles,  
10 State of California. RHC, at all times relevant hereto, was engaged in the business of  
11 designing and manufacturing helicopters and was the original designer of the accident  
12 helicopter.

13 9. Defendant CLASSIC HELICOPTER CORPORATION (“Classic”) is a  
14 Washington corporation and the operator and lessee or owner of the accident helicopter.  
15 Classic is now, and at all times herein mentioned was, a corporation duly organized and  
16 existing under the laws of the State of Washington, and maintains corporate offices in King  
17 County at 8535 Perimeter Road, Seattle, Washington 98108. Classic, at all times relevant  
18 hereto, was an authorized dealer of Robinson helicopters, engaged in the business of selling  
19 and servicing Robinson helicopters, chartering Robinson helicopters, providing helicopter  
20 tours with Robinson helicopters, providing instructional training with Robinson helicopters  
21 and providing Robinson helicopters for aerial photography. Classic’s FAA Air Carrier  
22 Certificate No. is GJOA323E, and chartered the flight of the accident helicopter in which  
23 decedent died.

24 10. Defendant COMPRADOR HELICOPTERS, LLC, (“Comprador”) is a  
25 Washington corporation and at all times mentioned herein was the registered owner of the  
26 accident helicopter. Comprador is now, and at all times herein mentioned was, a corporation  
duly organized and existing under the laws of the State of Washington, and maintains  
corporate offices in King County in Bellevue, Washington.

1 11. The true names and capacities, whether individual, corporate, associate or  
2 otherwise, of defendant DOES 1-60, inclusive, are unknown to Plaintiffs, who are therefore  
3 sued by those fictitious names. Plaintiffs are informed and believe, and therefore allege, that  
4 each of those defendants was in some manner tortiously responsible for the events and  
5 happenings alleged in this complaint and legally caused the injuries and damages alleged  
6 herein.

### 7 VENUE AND JURISDICTION

8 12. Venue is proper in the Court and this Court has jurisdiction over defendant  
9 Robinson Helicopter Company because RHC does substantial business within the State of  
10 Washington, with its principal place of business in the State of Washington in King County,  
11 Washington. Defendant RHC is also subject to the long arm jurisdiction of this Court because  
12 it designed, tested, manufactured and placed into the stream of commerce a defective product,  
13 the accident helicopter, that led to the deaths of one resident of King County, Washington,  
14 one resident of Snohomish County, Washington, and two Korean nationals that conducted  
15 substantial business in King County, Washington. Further, the flight leading to the crash that  
16 is the subject matter of this litigation originated in King County and was scheduled to  
17 terminate in King County.

18 13. Venue is proper in the Court and this Court has jurisdiction over defendant  
19 Classic Helicopter Corporation, as Classic is a Washington corporation doing business in the  
20 State of Washington, with its principal place of business in King County, Washington  
21 Further, the flight leading to the crash that is the subject matter of this litigation originated in  
22 King County and was scheduled to terminate in King County.

23 14. Venue is proper in the Court and this Court has jurisdiction over defendant  
24 Comprador Helicopters, LLC, as Comprador is a Washington corporation doing business in  
25 the State of Washington, with its principal place of business in King County, Washington.  
26 Further, Comprador was the registered owner of the accident helicopter in which one resident  
of King County, Washington, one resident of Snohomish County, Washington, and two  
Korean nationals that conducted substantial business in King County, Washington died.

1 Further, the flight leading to the crash that is the subject matter of this litigation originated in  
2 King County and was scheduled to terminate in King County.

3  
4 **THE CRASH**

5 15. On August 2, 2007, Plaintiffs' decedent Si Young Lee, along with his business  
6 partner Hyun Song, boarded the subject helicopter at Classic's facility at Boeing Field (King  
7 County International Airport) with two other passengers for the purpose of surveying timber  
8 for purchase to transport to South Korea for processing into furniture. The two other  
9 passengers were Robert Hagermann, the owner of the timber and resident of Snohomish  
10 County, and Keiko Minakata, the pilot of the helicopter and resident of King County. At all  
11 times relevant hereto, Keiko Minakata was acting in the course and scope of her employment  
12 with Classic Helicopter Corporation as a pilot.

13 16. On August 2, 2007, at approximately 1:35 pm, decedent and the other 3  
14 passengers arrived via the subject helicopter to the Barbeau Mill Corporation logging site, near  
15 Easton, Washington, to inspect timber for potential purchase. Three of the passengers,  
16 including Plaintiffs' decedent, departed the helicopter and conducted their business. The pilot  
17 remained with the helicopter. About 40 minutes later, all returned to board the helicopter and  
18 depart the logging site. At approximately 2:20 p.m., the helicopter flew straight up  
19 approximately 40 feet and departed towards the valley it had originally flown up, where it  
20 experienced mechanical failure, began to wobble, sway and make a change in sound after  
21 traveling approximately 100-150 feet. Thereafter, the subject helicopter wobbled and  
22 traveled approximately another 100-150 feet, where it descended and impacted the ground at  
23 low speed. The subject helicopter was then engulfed in flames, immolating all passengers on  
24 board, including causing severe injuries and death to Plaintiffs' decedent Si Young Lee.

1                    **ACCIDENT HELICOPTER & ROBINSON'S KNOWLEDGE OF DEFECTS**

2                    17.     The helicopter involved in the August 2, 2007 accident subsequently described  
3 in this Complaint was a Robinson R44 II, Serial No. 10412, Registration No. N7531D  
4 (hereinafter referred to as "subject helicopter"). The subject helicopter was owned by  
5 defendant Comprador Helicopters, LLC and leased, operated and maintained by Defendant  
6 Classic Helicopter Company for the purposes of charter and instructional flights. The subject  
7 helicopter was designed and manufactured by Defendant Robinson Helicopter Company.

8                    18.     Following numerous crashes which resulted in post-impact fires, Robinson  
9 published Safety Notice SN-40 which acknowledges the dangerous characteristics of its  
10 products and constitutes an admission that occupants of Robinson helicopters are exposed to  
11 risks of post-impact fire and fatal carbon monoxide toxicity in otherwise survivable impacts.

12                   19.     As admitted and acknowledged by Robinson, the occupants of the R-44  
13 helicopter are susceptible to risks of serious injury or death due to post impact fire in  
14 otherwise survivable incidents.

15                   20.     As admitted and acknowledged by Robinson, there have been other  
16 occurrences prior to this incident where survivable crashes resulted in the death of occupants  
17 due to post-impact fire hazards.

18                   21.     In Safety Notice SN-40, Robinson recommends that all occupants of Robinson  
19 helicopters wear fire resistant Nomex flight suits, gloves and hood or helmet.

20                   22.     Despite the instructions Robinson issued to the public in Safety Notice SN-40,  
21 Robinson's own employees have chosen to disregard this safety notice for themselves.

22                   23.     The Robinson R-44 helicopter was designed, manufactured, and distributed in  
23 Los Angeles County, California, and sold to Defendant Comprador Helicopters LLC in  
24 Washington.

25                   24.     As designed, the Robinson R-44 helicopter has defective characteristics which  
26 expose occupants to severe burns and fatal carbon monoxide toxicity by post-impact fires in  
survivable crashes.

1 25. Robinson, through its employees based in Los Angeles County, California, has  
2 investigated and participated in investigations of accidents and incidents in which post-crash  
3 fires occurred despite the low speeds and low deceleration forces occurring at impact and was  
4 on notice of the dangerous characteristics of its products.

5 26. Robinson was on notice of and was aware of the risks of post-impact fires and  
6 the dangers presented to occupants of its products before the incident which severely injured  
7 Si Young Lee, the pilot and other passengers, and ultimately caused Si Young Lee's death and  
8 fatal injuries to the pilot and his passengers.

9  
10 **WASHINGTON PRODUCT LIABILITY ACT**  
11 **ROBINSON HELICOPTER COMPANY**

12 27. The allegations of each of the preceding and subsequent paragraphs are  
13 incorporated by reference as if fully set forth herein.

14 28. At all time relevant herein, Defendant RHC was engaged in the business of  
15 designing, manufacturing, assembling, marketing, testing, refurbishing, repairing, selling and  
16 delivering helicopters, in addition to issuing instructions, guidelines, warnings and cautions  
17 concerning the use of their helicopters, including the subject R44 helicopter.

18 29. On or before August 2, 2007, defendant RHC created a defective and unsafe  
19 condition in the subject helicopter in that the design, manufacture, assembly, testing,  
20 marketing and sale of the helicopter were unreasonably dangerous and defendant failed to  
21 issue proper and adequate guidelines, instructions, cautions and warnings related to the use of  
22 the helicopter and therefore the helicopter was not reasonably safe as designed and  
23 manufactured and/or was not reasonably safe because adequate warnings or instructions were  
24 not provided.

25 30. The design and/or construction of the subject helicopter and, among other  
26 things, its tail rotor system and fuel system were not, at the time of manufacture, in  
compliance with specific mandatory government specifications relating to safe design,  
including but not limited to Federal Air Regulations, Part 14 CFR §27.141 (Flight

1 Characteristics), §27.143 (Controllability and Maneuverability), §27.601 (Design), §27.952  
2 (Fuel System Crash Resistance), §27.963 (Fuel Tanks: General), and §27.965 (Fuel Tank  
3 Tests), and therefore was not reasonably safe under RCW 7.72.030(1).

4 31. The action brought herein against defendant RHC is brought pursuant to the  
5 common law of negligence and the Washington Product Liability Act, Chapter RCW 7.72.  
6 Plaintiffs allege by reference each of the causes of action enumerated therein against  
7 Robinson Helicopter Company, including, but not limited to, strict liability, negligence,  
8 breach of express and implied warranty, failure to warn, failure to properly instruct as to use,  
9 misrepresentation, concealment, non-disclosure, negligent and defective design, assembly and  
10 manufacture.

11 32. At all times relevant hereto, including the accident flight on August 2, 2007,  
12 the subject helicopter, its engine and all components, were being operated and being used for  
13 the purposes and in a manner for which they were designed, manufactured, assembled,  
14 inspected, tested, sold and intended to be used, and in a manner reasonably foreseeable to  
15 defendants, and in the condition without substantial change from the original condition when  
16 they were sold and delivered.

17 33. The August 2, 2007 accident and the injuries and subsequent death of Si  
18 Young Lee were the direct and proximate result of the negligent acts and omissions and  
19 conduct of Robinson Helicopter Company.

20 **NEGLIGENCE – CLASSIC HELICOPTER CORPORATION**

21 34. The allegations of each of the preceding and subsequent paragraphs are  
22 incorporated by reference as if fully set forth herein.

23 35. The August 2, 2007 crash described herein was a direct and proximate result of  
24 the tortious acts and omissions of Classic Helicopter Corporation, and its agents and  
25 employees leading up to and during the operation of the crash flight. Further Classic is a  
26

1 Robinson dealer with a long and close relationship with Robinson, and knew, or should have  
2 known of the defects in Robinson R44 model helicopters.

3  
4 36. Defendant Classic Helicopter Corporation is vicariously liable for any  
5 negligent acts and omissions of its employees acting in the course and scope of their  
6 employment that may have contributed to the crash, including pilots, maintenance personnel,  
7 or other employees of Defendant Classic Helicopter Corporation.

8  
9 37. The August 2, 2007 accident and the injuries and subsequent death of Si  
10 Young Lee were the direct and proximate result of the negligent acts and omissions and  
11 conduct of Classic Helicopter Corporation and its agents and employees as described in this  
12 Complaint, as well as such further acts of negligence as may be proven at the time of trial.

13 **NEGLIGENCE – COMPRADOR HELICOPTERS, LLC**

14  
15 38. The allegations of each of the preceding and subsequent paragraphs are  
16 incorporated by reference as if fully set forth herein.

17  
18 39. The August 2, 2007 accident described herein was a direct and proximate  
19 result of the negligent acts and omissions of Comprador Helicopters, LLC, and its agents and  
20 employees, including but not limited to negligently leasing a defective helicopter for purposes  
21 of charter flights.

22  
23 40. Defendant Comprador is vicariously liable for any negligent acts and  
24 omissions of its employees acting in the course and scope of their employment that may have  
25 contributed to the crash, including maintenance personnel, or other employees of Defendant  
26 Comprador Helicopters, LLC.

41. The August 2, 2007 accident and the injuries and subsequent death of Si  
Young Lee were the direct and proximate result of the negligent acts and omissions and

1 conduct of Comprador as described in Paragraphs 38, 39 and 40 and elsewhere in this  
2 Complaint, as well as such further acts of negligence as may be proven at the time of trial.

3  
4 **DAMAGES**

5 42. As the direct and proximate cause of the August 2, 2007 crash previously  
6 described herein, Plaintiffs suffered damages, including but not limited to:

7 a. General damages for Boo Sool Park as surviving spouse of Si Young  
8 Lee, pursuant to RCW 4.20.010 and RCW 4.20.020;

9 b. General damages for Hyun Min Lee and Sung Ho Lee for loss of care,  
10 comfort, support, society, and companionship arising out of the wrongful death of their father,  
11 Si Young Lee;

12 c. General damages for Hyuk-Jo Lee and Soon-Ran Kim for loss of care,  
13 comfort, support, society, and companionship arising out of the wrongful death of their son,  
14 Si Young Lee;

15 d. Special damages for loss of support for Boo Sool Park occasioned by  
16 the death of her spouse, Si Young Lee;

17 e. Special damages for loss of support for Hyun Min Lee and Sung Ho  
18 Lee occasioned by the death of their father, Si Young Lee;

19 f. Special damages for loss of support for Hyuk-Jo Lee and Soon-Ran  
20 Kim occasioned by the death of their son, Si Young Lee;

21 g. Special damages for wearing apparel, jewelry, and other personal  
22 property, and funeral and burial expenses of Si Young Lee;

23 h. General damages and special damages for the personal injury of Si  
24 Young Lee which occasioned his death, for his awareness and fear of impending doom, and  
25 pre-death pain and suffering. This cause of action is maintained pursuant to RCW 4.20.060  
26 for the benefit of those statutory beneficiaries designated in RCW 4.20.020.

1 i. Special damages for the destroyed earning capacity, and net loss to the  
2 Estate of Si Young Lee occasioned by his premature death in excess of any support loss  
3 recovered by Boo Soo Park, Hyun Min Lee, Sung Ho Lee, Hyuk-Jo Lee and Soon-Ran Kim  
4 as requested above; and

5 j. Property damage suffered by the decedent, Si Young Lee and his estate  
6 for the loss of his Rolex watch and all other personal property destroyed in the crash.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiffs pray for monetary damages in an amount or amounts to be  
9 proven at the time of trial for each element of damage suffered, plus costs and attorneys fees,  
10 and such other relief as the Court deems just and equitable.  
11

12 Dated this 28<sup>th</sup> day of September, 2009.

13 KRUTCH LINDELL BINGHAM JONES  
14 & PETRIE, P.S.

15 By: /s/ Thomas W. Bingham  
16 Thomas W. Bingham, Esq.  
17 WSBA #7575

18 BAUM, HEDLUND, ARISTEI & GOLDMAN

19 By: /s/ A. Ilyas Akbari, Esq.  
20 A. Ilyas Akbari, Esq.  
21 California Bar #228051  
22 Ronald L.M. Goldman, Esq.  
23 California Bar #33422  
24 *Pro-hac vice motions pending*  
25 12100 Wilshire Bldg., Suite 950  
26 Los Angeles, CA 90025-7114  
Phone: (310) 207-3233

Attorneys for Plaintiffs