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CIRCUIT COURT
MULTNOMAH COUNTY

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IN THE CIRCUIT COURT OF THE STATE OF OREGON FILED
FOR THE COUNTY OF MULTNOMAH

MONICA MARIE HAMMER, Personal Representative of the Estate of Matthew Aaron Hammer, for the benefit of MONICA MARIE HAMMER, surviving wife of the deceased, and RICHARD CARL HAMMER and DEBRA ANNE HAMMER, surviving parents of the deceased,

Plaintiff,

v.

COLUMBIA HELICOPTERS, INC., an Oregon corporation; CARSON HELICOPTERS, INC., a Pennsylvania corporation; CARSON HELICOPTER SERVICES, INC., an Oregon corporation; SIKORSKY AIRCRAFT CORPORATION, a Delaware corporation; UNITED TECHNOLOGIES CORPORATION, a Delaware corporation; and GENERAL ELECTRIC COMPANY, a New York corporation,

Defendants.

02156

Case No. **0902-02156**

**COMPLAINT
(WRONGFUL DEATH: NEGLIGENCE
• STRICT LIABILITY)**

(DEMAND FOR JURY TRIAL)

(Not Subject to Mandatory Arbitration)

Plaintiff alleges:

FIRST CLAIM
(Negligence)

1.

Plaintiff Monica Marie Hammer is the duly appointed, qualified and acting Personal Representative of the Estate of Matthew Aaron Hammer, deceased, appointed by the Circuit Court of the State of Oregon for the County of Josephine, and at all material times has been a resident of the state of Oregon. Matthew Aaron Hammer at the time of his death and other

1 material times also was a resident of Oregon. Plaintiff is the surviving wife of the deceased
2 Matthew Aaron Hammer. Richard Carl Hammer and Debra Anne Hammer are the surviving
3 parents of Matthew Aaron Hammer, and reside in Oregon.

4 2.

5 Defendant Columbia Helicopters, Inc. ("Columbia") at all material times herein has been
6 a corporation duly organized and existing under the laws of the state of Oregon, with its principal
7 place of business in Oregon. Columbia maintains a post office box in Multnomah County,
8 Oregon, and transacts regular, sustained business activity in Multnomah County.

9 3.

10 Defendant Carson Helicopters, Inc. ("Carson") at all material times herein has been a
11 corporation duly organized and existing under the laws of the state of Pennsylvania, having its
12 principal places of business in the states of Oregon and Pennsylvania. Carson has engaged in
13 substantial and not isolated activities within the state of Oregon, has distributed and serviced
14 products within the state of Oregon, has a registered agent in Oregon, and upon information and
15 belief transacts regular, sustained business activity in Multnomah County.

16 4.

17 Defendant Carson Helicopter Services, Inc. ("Carson Services") at all material times
18 herein has been a corporation duly organized and existing under the laws of the state of Oregon,
19 having its principal place of business in the state of Oregon; is the wholly owned subsidiary of
20 Carson; and upon information and belief transacts regular, sustained business activity in
21 Multnomah County.

22 5.

23 Defendant Sikorsky Aircraft Corporation ("Sikorsky Aircraft") at all material times
24 herein has been a corporation duly organized and existing under the laws of the state of
25 Delaware, having its principal place of business outside the state of Oregon, and engaging in
26 substantial and not isolated activities within the state of Oregon.

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6.

Defendant United Technologies Corporation (“United”) at all material times herein has been a corporation duly organized and existing under the laws of the state of Delaware, having its principal place of business outside the state of Oregon, and engaging in substantial and not isolated activities within the state of Oregon. Sikorsky is the wholly owned subsidiary and agent of United.

7.

Defendant General Electric Company (“General Electric”) was at all material times herein a corporation duly organized and existing under the laws of the state of New York, having its principal place of business outside the state of Oregon, and engaging in substantial and not isolated activities within the state of Oregon.

8.

Venue is proper in Multnomah County pursuant to ORS 14.080.

9.

On August 5, 2008, a Sikorsky S-61N model helicopter, with tail number N612AZ (“the Subject Helicopter”), in which plaintiff’s decedent Matthew Aaron Hammer was a passenger, crashed in the Trinity National Forest, California (“the crash”), within moments after takeoff and causing burn and other injuries which resulted in the death of the decedent. At the time of the crash, the helicopter was being flown by pilots employed by Carson, the owner of the Subject Helicopter, to transport plaintiff’s decedent and other Oregon firefighters.

10.

Defendant Columbia was at all material times herein in the business of selling helicopter parts and of helicopter and helicopter component servicing, overhaul, inspection and repair. Columbia performed service, repair, overhaul, and inspection of, and supplied fuel control units or other parts for, helicopters owned by Carson, including the Subject Helicopter.

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11.

Defendants Carson and/or Carson Services were at all material times herein in the business of supplying Sikorsky model helicopters (including the Subject Helicopter), maintaining and servicing those helicopters, and providing pilots for those helicopters, for transport, firefighting and other purposes in Oregon and neighboring states. At the time of the crash, the Subject Helicopter was provided and being flown by Carson as a common carrier and under contract with the United States Forest Service, to transport firefighters, including plaintiff's decedent.

12.

Defendant Sikorsky Aircraft and/or its parent United was the designer, manufacturer and seller of the Subject Helicopter and/or its component parts; and at all times material herein was in the business of designing, manufacturing and selling helicopters and their component parts, and placing them as well as related manuals, instructions and bulletins in the stream of commerce throughout the United States, including Oregon.

13.

Defendant General Electric was a designer, manufacturer, and seller of the turbine engines and/or their component parts installed on the helicopter, and at all times herein was in the business of designing, manufacturing, and selling turbine engines and their component parts, and placing them as well as related manuals, instructions and bulletins in the stream of commerce throughout the United States, including Oregon.

14.

At the time of the crash, decedent was 23 years old, had a life expectancy of over 50 years, and a work life expectancy of over 40 years. He left surviving him a wife, Monica Marie Hammer, age 24; and two parents, Richard Carl Hammer and Debra Anne Hammer, ages 54 and 53 respectively.

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15.

A substantial factor in causing the crash and resulting fatal injuries to Matthew Aaron Hammer was the negligence of defendants in piloting, operating, designing, manufacturing, selling, overhauling and/or repairing the helicopter and/or its component parts and/or in providing inadequate instructions and warnings, such that the helicopter was rendered dangerous and unsafe for its intended use.

16.

As a result of defendants' negligence and Matthew Aaron Hammer's resulting injuries and death, Matthew Aaron Hammer suffered physical and mental pain and suffering, and his surviving wife and parents have suffered economic and noneconomic damages, including pecuniary loss, loss of society, companionship, and services, pecuniary loss to the decedent's estate, and damages for decedent's pain and suffering, all in the fair and reasonable amount of \$10,000,000.

17.

As a further result of defendants' negligence and Matthew Aaron Hammer's resulting death, plaintiff has incurred reasonable and necessary charges for burial and memorial services rendered for the decedent in the amount of approximately \$3,000.00.

18.

Plaintiff anticipates seeking punitive damages against some or all of defendants.

SECOND CLAIM
(Strict Products Liability)

19.

Paragraphs 1-14 and 18 above are realleged and incorporated here.

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20.

The products at issue were expected to and did reach their users, including Matthew Aaron Hammer, without substantial change in the condition in which they were manufactured and/or sold.

21.

A substantial factor in causing the crash and resulting fatal injuries to Matthew Aaron Hammer was that the helicopter, clutches, fuel control units and/or other component parts, as sold by defendants, were in defective conditions unreasonably dangerous to the user or consumer, and/or inadequate instructions and warnings were provided.

22.


As a result of these dangerous defects and Matthew Aaron Hammer's resulting injuries and death, Matthew Aaron Hammer suffered physical and mental pain and suffering, and his surviving wife and parents have suffered economic and noneconomic damages, including pecuniary loss, loss of society, companionship, and services, pecuniary loss to the decedent's estate, and damages for decedent's pain and suffering, all in the fair and reasonable amount of \$10,000,000.

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As a further result of these dangerous defects and Matthew Aaron Hammer's resulting death, plaintiff has incurred reasonable and necessary charges for burial and memorial services rendered for the decedent in the amount of approximately \$3,000.00.

DATED this 20th day of February, 2009.

LANDYE BENNETT BLUMSTEIN LLP

By: 
Robert B. Hopkins, P.C., OSB # 73143
Matthew K. Clarke, OSB # 022758

Of Attorneys for Plaintiff

Trial Attorneys:

Robert B. Hopkins, P.C. (# 73143)
Matthew K. Clarke (# 022758)