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A Legal Professional Corporation



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May 3, 2019

## **OPEN LETTER TO THE VICTIMS' FAMILIES OF ETHIOPIAN AIRLINES FLIGHT ET302**

RE: Ethiopian Airlines Flight ET302  
28 NM South East of Addis Ababa, Bole International Airport  
March 10, 2019

My name is Arturo Gonzalez.

For 30 years, I have been an attorney and counselor for victim's families having lost loved ones in tragic accidents involving catastrophic plane crashes resulting in tremendous loss of life.

I express heartfelt condolences to the families who have lost their loved ones on Ethiopian Airlines Flight ET302 and Lion Air Flight JT610.

There is time for grieving the loss of a brother, sister, mother, or father, and in some instances an entire family that has been swept away from us by tragedy, which should never have occurred.

No amount of money can replace the loss of human life. We are not commodities to be bartered for money.

But at the same time, once the grieving has passed - we should go forth and seek justice to correct the injustice, and those having created the injustice should pay compensation to assure that the surviving family members can carry on with their daily lives, and to assure that monies will be made available to place bread and food on the table, to cover the necessary day-to-day living and medical expenses, buy medicine when ill, and pay for educational needs and clothing.

And this is where I and our team of dedicated legal minds can be of tremendous assistance to you.

**WE KNOW THE LAW, WE KNOW BOEING, AND WE KNOW HOW RUTHLESS THEY CAN BE WITHOUT ANY REGARD FOR THE FAMILIES' GRIEF AND SORROW FROM HAVING LOST LOVED ONES.**

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As a licensed pilot myself since age 14, I understand how an airplane works. I understand the mechanics of flight, I know first-hand the skill necessary to safely operate an aircraft. Advancements in technology have made flying one of the safest modes of transportation – especially commercial aviation – until something goes wrong or until someone does something that should not have been done – ultimately compromising the integrity of the aircraft and the safety of its passengers.

**Experience**

Over the years in the field of Aviation, I have investigated and litigated many catastrophic events related to aircraft disasters, including but not limited to some of the following. The list below emphasizes the work I have undertaken or am presently investigating:

American Airlines DC-10 Crash on Take-off, San Juan P.R. – 1985  
Delta Airlines FLIGHT 1141 - THE L-1011 Crash on landing at Dallas, Texas – 1985  
Delta Airlines Boeing 727 Crash on Take-off at Dallas, Texas – 1988  
Canada Air Mid-Air Fire at Cincinnati, Ohio – 1983  
Pacific Southwest (PSA) Mid-Air collision – San Diego, California – 1978  
AeroMexico 498 Mid-Air Collision at Cerritos, California – 1986  
Mexicana 940 at Michoacan, Mexico – 1986  
Valujet 592 at the Everglades, Florida – 1996  
Gol Air 1907 Mid-Air Collision, Amazon, Brazil – 2008  
TACA 390 Crash on Landing at Tegucigalpa, Honduras – 2008  
Spanair JK5022 Crash on Take-off at Madrid Barajas – 2008 *through the present*  
Turkish FLIGHT 1951 Air Crash on Landing at Amsterdam – 2009  
Cessna 206 Crash on Final Landing, at Torreon, Mexico – 2015 *through the present*  
Southwest Airlines Flight 1380 Engine Failure – Philadelphia, Pennsylvania 2018  
Lion Air Flight JK610 – Jakarta, Indonesia – 2018  
Ethiopian Airlines Flight ET302 – Addis Ababa, Ethiopia – 2019

Aircraft don't just fall out of the sky. There is always a reason, or multitude of reasons as to loss of integrity and disaster. And in this case, the reason has been clearly established:

1. Boeing attempted to utilize AND MODIFY an aircraft control system initially meant for other 737's. This was done in order to save money;
2. The modified software did not take into account the utilization of the newer, much more powerful LEAP engines, which exceeded the operational capabilities of the 737 MAX aircraft;

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3. The airlines and the pilots were never informed of the modifications to the software, and its operational capabilities to the extent that no one knew how to dis-engage the system; and
4. The flight manuals were never updated. BOEING FELT NO NEED TO TELL ANYONE.

This is the simple version. However, now we must discuss the matter of damages.

**Moral, Wrongful Death and Economic Damages**

Boeing has accepted legal responsibility for the terror it created in the Ethiopian Airlines and the Lion Air crashes.

Unfortunately, that is only one-half of the challenge that lies ahead. A claimant must not only prove fault or culpability, but must also prove that actual damages exist.

It is evident all persons onboard Flight ET302 lost their lives. However, notwithstanding moral and wrongful death damages, a claimant must also prove that economic damages have occurred.

This takes into consideration past earnings, the ability to earn a meaningful living in the future, who relied on the family member who passed away for daily sustenance, and his or her work-life expectancy.

Although it is my opinion that the moral and wrongful death claim is much more valuable than the economic damages – both are generally required to perfect the claim. This will require personal meetings with the families to determine the value of the economic loss.

**Choice of Law**

With respect to the grievance against Boeing – this case must be brought into the courts of the United States in Chicago, which represents the corporate headquarters of the Boeing company, because the 737 MAX aircraft was manufactured in the United States.

Generally, a court case involving a United States product involved in an accident that occurred outside of the United States, the case is filed in the United States. Boeing will make every effort to have that case transferred to the country in which the accident took place; in this instance, Ethiopia. The reason Boeing will do that is because it will argue that the United States is an inconvenient forum, and because the accident took place outside of the United States, Boeing believes the case should be transferred to the country in which the accident occurred.

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In this instance – that is an incorrect assumption, for the following reasons:

First: Boeing has accepted fault;

Second: There were Americans on Flight ET302 who lost their lives. Their cases have been or will soon be filed in the State Courts in Chicago;

Third: Once a United States court accepts a case for one party having proper jurisdiction – consequently jurisdiction becomes proper as to all parties having been aggrieved by the same course of conduct of Boeing; and

Fourth: The 737 MAX was manufactured in the United States.

### **Conflicts of Laws**

There is however, a secondary issue after the Court has accepted jurisdiction of the case in the United States; Boeing will attempt to argue that there exist conflict of laws between the United States and Ethiopia, and the United States and Kenya – as examples.

The difference in the law relates to moral, wrongful death, and economic damages. In order to limit its liability on payment of monies to the claimants, Boeing will argue that the laws of Ethiopia and Kenya pertaining to damages should be applied. Boeing will argue that for the following reasons:

First: The family member who passed away was not a United States citizen but rather a citizen of Ethiopia or Kenya;

Second: Because the tragedy occurred outside of the United States, the Court should apply the damage laws of the country from which the deceased was a citizen.

The reason Boeing will argue this is because both Ethiopia and Kenya have placed maximum limitations on awarding moral, wrongful death, and economic damages to those making legitimate claims for the loss of their loved ones. These amounts are minimal compared to what a successful claim against Boeing in the United States would provide a family.

And, this is precisely why you need representation from lawyers and counselors who know the law, and have the confidence and express knowledge and expertise to overcome and defeat Boeing.

Remember – Boeing is trying to end this case as cheaply as they possibly can – at the expense of those families having lost their loved ones.

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**The Montreal Convention**

There is also another legal consideration which must be taken into account. Both Ethiopia and Kenya are signatories to the Montreal Convention of 1999, an amended treaty controlling international flights and damages occurring from aviation accidents.

According to international treaty – which in effect represents a law by which all countries having signed the treaty must abide, the Montreal Convention also sets limitations on liability by a company having caused death and injury to airline passengers.

However, there is a manner by which these limitations can be legally circumvented, and this is precisely why you will need a legal representative having the requisite knowledge, skill, fortitude and experience to stand up and fight for the preservation of your legal rights – not only in your country, but most importantly in the United States.

**What We Can Do for the Family**

I was shocked to hear that many of the families were approached and solicited by attorneys during their time of grief and mourning. This should never happen. When the families are ready to listen, they will tell us, correct?

It is important for the families to know that there are people like us who truly care about them, and who are willing to fight for them to get the justice they deserve, to fix the problems that took their loved ones, and to get them the compensation they truly deserve.

It is important to note that the families will not have to pay us for our services. Our fee is paid from the total settlement recovery or award of the Court. No monies will come out of your pocket.

It is also important that the families recognize that, "WE will NEVER abandon YOU. WE will be there for YOU throughout the entire fight for justice."

Additionally, we are in a position to assist the families with their economic needs to help cover expenses and other things that would normally have been taken care of by the family member who lost their life in this tragedy that should never have happened.

Also, you should be aware that someone on behalf of Boeing and Ethiopian Airlines (most probably the insurance company) is offering compensation in the amount of \$250,000 U.S. (7,000,000 birr). This is an unconscionable act of bad faith on the part of Boeing, Ethiopian Airlines and their insurance companies. I recognize that \$250,000 U.S. may represent more than a lifetime of earnings for many in Kenya and Ethiopia, and that is precisely what Boeing and their minions want the families to believe. In other words, Boeing has a duty to its shareholders, and they are trying to get out of this as cheaply as they can. Boeing is trying to minimize its exposure – economically and socially. They are

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looking at the bottom line on their corporate books. They still need to make a profit. THIS IS VERY WRONG and Boeing should not be allowed to get away with this travesty of injustice.

The value of the case, including moral, economic damages, and non-economic damages is worth so much more. At this point, it is inconceivable to put a true number on value until we have had an opportunity to meet with the families, which we would be willing to do at no cost or obligation. It is important that the families be given all of the information available in order to make an informed decision as to who would best represent their LEGAL AND MORAL interests.

**The Family Victims' Association**

I recognize that many victims' families have joined with the Family Victims' Association ("FVA"). This is a positive move because the FVA can, through the mutual participation of its members, provide moral, psychological and spiritual support in this time of great mourning and grief. Each day becomes a challenge, and the best way to maneuver through one's day-to-day routine by supporting each other – having someone to lean on and someone to turn to in difficult times.

However, the FVA cannot and does not have proper standing (the legal ability to bring a claim against Boeing as a body of members) because the association itself is simply an organization which has suffered no injury or damages. It is the members themselves – those aggrieved by the passing of their loved ones – who maintain the legal right to proceed individually against the aggressor – Boeing. In other words, each surviving family member must maintain his or her claim on an individual basis – notwithstanding the existence of the FVA.

I have worked closely in the past with Victims' Associations as a means of facilitating each member's individual claims, and will continue working with and coordinating efforts through the FVA to assure that each member has been apprised of all facts and pertinent information, allowing the aggrieved the opportunity to make an educated and informed decision as to proceeding forward with their claims against BOEING. And, to this extent I will make myself available to answer any and all questions, and alleviate all doubt.

It is important to me that you have all of the facts before you – so that you can make an informed decision as to whether I and my team of skilled professionals have the necessary qualifications and expertise to represent and protect all of your legal and moral interests.

Please visit our firm website at: [www.ajg-law.com](http://www.ajg-law.com) for the Preliminary Accident Report, and several other sources of interest which unequivocally place blame directly on Boeing.

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In conclusion, please contact our local representatives: (1) Mr. Wondwossen Tadesse, telephone number 251-94-477-1619, in Addis Ababa; (2) Mr. Lincoln Kuria, telephone number +254 722-442-132, in Nairobi; or (3) Mr. Damena Assefa, our local attorney in Addis Ababa, telephone number 251-91-117-5818, for additional information, and to schedule a personal meeting with me.

This can all be done with no obligation or cost to you.

Thank you for your time and considerations, and may God Bless.

Sincerely,

ARTURO J. GONZÁLEZ P.C.



Arturo J. González

AJG/mdc