

Judge: Helicopter Maker Doesn't Owe Damages

Michael Kunzelman, Associated Press

NEW ORLEANS (AP) — A federal magistrate has refused to order Sikorsky Aircraft Corp. to pay damages to another company for allegedly hiding an internal report about a deadly helicopter crash in Louisiana.

PHI Inc. owned a Sikorsky-manufactured helicopter that crashed near Morgan City in 2009, killing eight people. It claimed the Stratford, Conn.-based company withheld a report by one of its engineers because his analysis concluded the helicopter's faulty design caused the crash.

U.S. Magistrate Karen Wells Roby ordered Sikorsky last week to pay for some of PHI's attorneys' fees and costs. But she refused to order the company to pay for damages related to PHI's argument that it wouldn't have paid as much to settle plaintiffs' claims last year if it had seen Wonsub Kim's report beforehand.

PHI had asked Roby for a court order requiring Sikorsky to reimburse PHI for 80 percent of its settlement payments to plaintiffs.

Roby said Sikorsky hadn't finished responding to PHI's requests for documents related to the crash when PHI reached the settlements.

"Thus, the court is not persuaded that PHI's decision to settle the case for 'a larger amount' was due to Sikorsky's actions, but rather PHI's decision was likely due to the normal risks that are attendant in cases of this magnitude," she wrote.

Investigators concluded a bird struck the Sikorsky S-76 before it crashed about 100 miles southwest of New Orleans on Jan. 4, 2009, killing both pilots and six of seven passengers. The helicopter had been carrying workers to a Shell Oil Co. platform in the Gulf of Mexico.

Thomas Ballenger, of Eufaula, Ala., and Vyarl Martin, of Hurst, Texas, were the two pilots killed in the crash. The passengers killed were: Andrew Mauricio, of Morgan City, La.; Allen Boudreaux Jr., of Amelia, La.; Jorey A. Rivero, of Bridge City, La.; Randy Tarpley, of Jonesville, La.; Charles W. Nelson, of Pensacola, Fla.; and Ezequiel Cantu, of Morgan City.

A lone survivor — Steven Yelton, of Floresville, Texas — suffered a serious brain injury in the crash and lives at a rehabilitation facility in Covington.

Sikorsky settled with families of several crash victims before a federal trial for the claims could start in November.

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