



# GKWW

*Gardiner Koch Weisberg & Wrona*

## **AVIATION LITIGATION**

*Thomas G. Gardiner  
John R. Wrona  
Gardiner Koch Weisberg & Wrona  
53 West Jackson Blvd., Suite 950  
Chicago, Illinois 60604  
(312) 362-0000  
tgardiner@gkwwlaw.com  
jwrona@gkwwlaw.com*

FILED  
12/28/2018 1:14 PM  
DOROTHY BROWN  
CIRCUIT CLERK  
COOK COUNTY, IL  
2018L013938

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

FAHRIDA KURNIAWATI and	)	
VINI WULANDARI, as Co-Special	)	
Administrators of the Estate of	)	
HARVINO, deceased,	)	
	)	
Plaintiffs,	)	
vs.	)	Case No.
	)	
THE BOEING COMPANY, a corporation,	)	Plaintiffs Demand
	)	Trial by Jury
Defendant.	)	

---

**COMPLAINT AT LAW**

Plaintiffs, FAHRIDA KURNIAWATI, and VINI WULANDARI, as Co-Special Administrators of the Estate of HARVINO, deceased, by and through their attorneys, GARDINER KOCH WEISBERG & WRONA, complaining of Defendant, THE BOEING COMPANY (hereinafter "BOEING"), upon information and belief, state as follows:

**COUNT I – WRONGFUL DEATH – STRICT PRODUCT LIABILITY**

1. At all times herein mentioned, Defendant BOEING was and is a corporation organized under the laws of Delaware, with its worldwide headquarters and principal place of business in Chicago, Illinois, and was engaged in the business of manufacturing commercial aircraft.
2. Prior to October 29, 2018, Defendant BOEING designed, manufactured, produced, assembled, distributed, sold and delivered, in the United States, a newly manufactured 737 MAX 8 aircraft with tail number "PK-LQP" to Lion Air, a commercial airline.
3. Prior to October 29, 2018, Defendant BOEING generated, prepared, published, and provided to Lion Air information including but not limited to a 737 MAX 8 flight operations manual ("MANUAL") regarding the operation of the subject aircraft.

4. On or about October 29, 2018, plaintiff's decedent, HARVINO, was a pilot in the role of the first officer on board the subject aircraft, which was operated by Lion Air as Flight 610.

5. Flight 610 was scheduled to depart from Jakarta, Indonesia, to Pangkal Pinang, a provincial capital of a small island in the Java Sea.

6. On October 29, 2018, Lion Air Flight 610 suffered an uncontrolled crash into the Java Sea, killing 189 people on board, including Plaintiff's decedent, HARVINO.

7. At the time and place aforesaid, defendant BOEING had a duty to design, manufacture, produce, assemble, distribute, sell, and deliver 737 MAX 8 aircraft that were not unreasonably dangerous when used in a reasonably foreseeable manner.

8. At the time said Boeing 737 MAX 8 subject aircraft left the custody and control of defendant BOEING, and was placed in the stream of commerce, it was defective and in a condition that rendered it unreasonably dangerous for its intended use, in one or more of the following respects:

a. The aircraft's sensors provided inadequate and/or improper information to the flight control system, which improperly activated the aircraft's anti-stall system, which lowered the aircraft's nose, and caused the aircraft to dive steeply and crash;

b. The aircraft's anti-stall system and flight control systems failed to timely respond to pilot control of the aircraft, which caused the aircraft to dive steeply and crash; and

c. The aircraft's manual failed to contain proper instructions, policies and procedures for taking control of the aircraft when encountering a malfunctioning anti-stall system, which caused the aircraft to dive steeply and crash.

9. As a direct and proximate result of one or more of the above-described defective and unreasonably dangerous conditions in the subject aircraft, Plaintiffs' decedent was killed on October 29, 2018.

10. Plaintiff's decedent left surviving as his heirs and next of kin the following individuals, each of whom have suffered a loss under Illinois' Wrongful Death Act, 740 ILCS 180/2.1 et.seq.:

FAHRIDA KURNIAWATI, his wife, born February 25, 1985.

The following children were born to the decedent during the marriage:

KHANSA DAVINA ZHAFIRAH, his minor daughter born June 7, 2010;

RAFA YUSUF AQILAH, his minor son born March 19, 2012; and

KHALIFI AHZA ZIKRI., his minor son born February 11, 2017.

11. FAHRIDA KURNIAWATI, and VINI WULANDARI, are the duly appointed Co-Special Administrators of the Estate of HARVINO, deceased, by order of the Circuit Court of Cook County, Illinois, and they bring this cause of action against defendant BOEING pursuant to the Illinois Wrongful Death Act.

WHEREFORE, Plaintiffs, FAHRIDA KURNIAWATI, and VINI WULANDARI, as Co-Special Administrators of the Estate of HARVINO, deceased, pray for entry of a verdict by a jury, and pray for judgment against the defendant THE BOEING COMPANY, a corporation, in an amount in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, as the jury shall find as fair and reasonable compensation for the injuries incurred and damages sustained.

## **COUNT II – WRONGFUL DEATH – NEGLIGENCE**

1. At all times herein mentioned, Defendant BOEING was and is a corporation organized under the laws of Delaware, with its worldwide headquarters and principal place of business in Chicago, Illinois, and was engaged in the business of manufacturing commercial aircraft.

2. Prior to October 29, 2018, Defendant BOEING designed, manufactured, produced, assembled, distributed, sold and delivered, in the United States, a newly manufactured 737 MAX 8 aircraft with tail number "PK-LQP" to Lion Air, a commercial airline.

3. Prior to October 29, 2018, Defendant BOEING generated, prepared, published, and provided to Lion Air information including but not limited to a 737 MAX 8 flight operations manual ("MANUAL") regarding the operation of the subject aircraft.

4. On or about October 29, 2018, plaintiff's decedent, HARVINO, was a pilot in the role of the first officer on board the subject aircraft, which was operated by Lion Air as Flight 610.

5. Flight 610 was scheduled to depart from Jakarta, Indonesia, to Pangkal Pinang, a provincial capital of a small island in the Java Sea.

6. On October 29, 2018, Lion Air Flight 610 suffered an uncontrolled crash into the Java Sea, killing 189 people on board, including Plaintiff's decedent, HARVINO.

7. At the time and place aforesaid, defendant BOEING had a duty to use reasonable care in the design, manufacture, production, assembly, distribution, sale, and delivery of the 737 MAX aircraft so that it was safe, and further owed a duty to warn of foreseeable dangers involved.

8. At the time said Boeing 737 MAX 8 subject aircraft left the custody and control of defendant BOEING, defendant failed to use reasonable care, in one or more of the following respects:

a. The aircraft's sensors provided inadequate and/or improper information to the flight control system, which improperly activated the aircraft's anti-stall system, which lowered the aircraft's nose, and caused the aircraft to dive steeply and crash;

b. The aircraft's anti-stall system and flight control systems failed to timely respond to pilot control of the aircraft, which caused the aircraft to dive steeply and crash; and

c. The aircraft's manual failed to contain proper instructions, policies and procedures for taking control of the aircraft when encountering a malfunctioning anti-stall system, which caused the aircraft to dive steeply and crash.

9. As a direct and proximate result of one or more of the above-described negligent acts and/or omissions of the defendant BOEING, Plaintiffs' decedent was killed on October 29, 2018.

10. Plaintiff's decedent left surviving as his heirs and next of kin the following individuals, each of whom have suffered a loss under Illinois' Wrongful Death Act, 740 ILCS 180/2.1 et.seq.:

FAHRIDA KURNIAWATI, his wife, born February 25, 1985.

The following children were born to the decedent during the marriage:

KHANSA DAVINA ZHAFIRAH, his minor daughter born June 7, 2010;

RAFA YUSUF AQILAH, his minor son born March 19, 2012; and

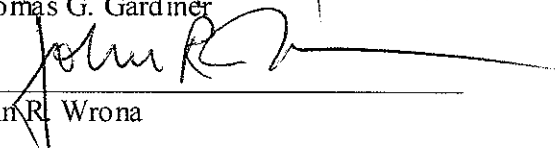
KHALIFI AHZA ZIKRI., his minor son born February 11, 2017.

11. FAHRIDA KURNIAWATI, and VINI WULANDARI, are the duly appointed Co-Special Administrators of the Estate of HARVINO, deceased, by order of the Circuit Court of Cook County, Illinois, and they bring this cause of action against defendant BOEING pursuant to the Illinois Wrongful Death Act.

WHEREFORE, Plaintiffs, FAHRIDA KURNIAWATI, and VINI WULANDARI, as Co-Special Administrators of the Estate of HARVINO, deceased, pray for entry of a verdict by a jury, and pray for judgment against the defendant THE BOEING COMPANY, a corporation, in an amount in excess of the jurisdictional limits of the Law Division of the Circuit Court of Cook County, as the jury shall find as fair and reasonable compensation for the injuries incurred and damages sustained.

Plaintiffs, FAHRIDA KURNIAWATI, and VINI WULANDARI,  
as Co-Special Administrators of the Estate of HARVINO,  
deceased

By:   
Thomas G. Gardiner

By:   
John R. Wrona

Gardiner Koch Weisberg & Wrona  
53 W. Jackson Blvd., Suite 950  
Chicago, IL 60604  
312-362-0000  
[tgardiner@gkwwlaw.com](mailto:tgardiner@gkwwlaw.com)  
[jwrona@gkwwlaw.com](mailto:jwrona@gkwwlaw.com)  
Atty. No. 58588

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

FILED  
12/28/2018 1:14 PM  
DOROTHY BROWN  
CIRCUIT CLERK  
COOK COUNTY, IL  
2018L013938

FAHRIDA KURNIAWATI and )  
VINI WVLANDARI, as Special Administrators )  
of the Estate of HARVINO, deceased, )  
 )  
Plaintiffs, )  
vs. )  
 )  
THE BOEING COMPANY, a corporation, )  
 )  
Defendant. )

Case No. 2018L013938

ORDER APPOINTING SPECIAL ADMINISTRATOR

THIS CAUSE coming to be heard on Petitioners' Petition to Appoint Co-Special Administrators, due notice of the petition having been given to all known heirs and legatees of HARVINO, and the Court being fully advised in the premises, IT IS HEREBY ORDERED:

1. FAHRIDA KURNIAWATI and VINI WVLANDARI are hereby appointed Special Administrators of the Estate of HARVINO, deceased to prosecute actions under the Wrongful Death Act; and
2. Due notice has been provided to all heirs and legatees.
3. Leave is granted for Plaintiff to file her Complaint at Law, *instanter*.

Enter:

**Judge Jerry A. Esrig**

DEC 28 2018

**Circuit Court - 2101**

Prepared by:

GARDINER KOCH WEISBERG & WRONA  
53 W. Jackson Blvd., Suite 950  
Chicago, IL 60604  
312/362-0000  
Atty. No. 58588



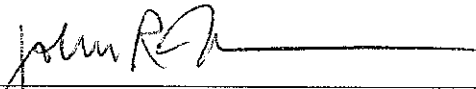
**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
 COUNTY DEPARTMENT, LAW DIVISION**

FAHRIDA KURNIAWATI and )	
VINI WULANDARI, as Co-Special )	
Administrators of the Estate of )	
HARVINO, deceased, )	
)	
Plaintiffs, )	
vs. )	Case No. 2018L013938
)	
THE BOEING COMPANY, a corporation, )	Plaintiffs Demand
)	Trial by Jury
Defendant. )	

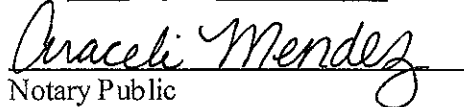
**AFFIDAVIT**

I, JOHN R. WRONA, state under oath:

1. I am an attorney associated with Gardiner Koch Weisberg & Wrona and am responsible for filing of the Complaint at Law in this matter.
2. The total of money damages sought by Plaintiff does exceed \$50,000.00 exclusive of interests and costs.

  
 \_\_\_\_\_  
 GARDINER KOCH WEISBERG & WRONA  
 By: John R. Wrona

Subscribed and sworn to before me  
 This 28 day of December, 2018

  
 \_\_\_\_\_  
 Notary Public



Thomas G. Gardiner (tgardiner@gkwwlaw.com)  
 John R. Wrona (jwrona@gkwwlaw.com)  
 Shannon V. Condon (scondon@gkwwlaw.com)  
 GARDINER KOCH WEISBERG & WRONA  
 53 W. Jackson Blvd., Suite 950  
 Chicago, IL 60604  
 Phone: 312.362.0000  
 Fax: 312-362-0440  
 Atty. No. 58588

## ABOUT US

Since our establishment in 1992, Gardiner Koch Weisberg & Wrona has brought a sophisticated, well-knit mosaic of expertise to bear in several practice areas. We are aggressive, ethical advisers who get things done.

The many accolades we have received over the years stand in tribute to our attorneys' creativity, agility, commitment to service and depth of experience. The most meaningful honor of all, though, is the ongoing trust and confidence of our clients.



**THOMAS G. GARDINER**

[TGardiner@gkwwlaw.com](mailto:TGardiner@gkwwlaw.com)

After graduating from the Northwestern University School of Law in 1981, Tom worked at a series of important positions before launching GKWW with Jim Koch in 1992. Tom Gardiner has successfully represented individuals, municipalities and business entities in an exceptionally encyclopedic variety of contexts, all the way up to the Supreme Court, where he collaborated with his GKWW partners on the case of *Illinois v. Wardlow*.

Tom's many years of litigation experience and ability to connect with judges and jurors has allowed him to achieve tremendous results for those who have experienced catastrophic injuries. Teaming up with John Wrona and other members of the GKWW team has led to tremendous results for the families of those who have died or for individuals who have survived the accident.

Tom's myriad other accomplishments have not gone unrecognized. Every year since 2007, Tom's peers have selected him as an Illinois Super Lawyer, placing him as one of the top lawyers in his practice areas. He has also been chosen as a Leading Lawyer by the Chicago Daily Law Bulletin and his peers. Tom holds membership in the Million Dollar Advocates Forum—a distinction limited to trial lawyers who have demonstrated exceptional skill, experience, and excellence in advocacy by achieving a trial verdict, award or settlement in the amount of \$1 million or more.

Tom's work on behalf of injured individuals covers matters from medical malpractice, personal injury, aviation injury, products liability, wrongful death litigation and nursing home litigation to civil rights actions. Over the course of his sterling career, Tom's efforts have resulted in the awarding of many millions of dollars to his clients: for instance, the Richmond case. In this case, John Wrona and Tom achieved a \$2.75 million settlement for a truck driver who had to drive off the interstate to avoid colliding with an overturned 18-wheeler. Tom's litigation experience has caused clients to seek his services in areas beyond catastrophic injury cases. For example, Tom was part of a trial team that won a \$21 million wrongful conviction verdict – at the time, one of the largest civil rights verdicts ever awarded by a jury.

Private entities seek Tom's counsel in matters involving both transaction and litigation. From the formation of new companies to navigation of the thorny corporate issues that mark a successful company's day-to-day, Tom's advice keeps many of Chicago's most successful businesses on a steady course. Tom's expertise covers contracts, acquisitions, sales of shares, real estate, business asset purchases and sales and succession, as well as general contract and employment matters. On the litigation side, Tom's representation has supported his corporate clients in matters ranging from contract disputes to complex commercial, employment, restrictive covenant and intellectual property cases.

Tom feels strongly about his role as an educator outside the halls of GKWW—both of law’s next generation and of the public at large. He has served for many years as an Adjunct Professor of Trial Advocacy at his alma mater, the Northwestern University Pritzker School of Law, and welcomes the opportunity to teach on a guest basis at other institutes of higher learning. A prolific author, Tom’s work has been extensively published in industry journals, magazines, and newspapers.



## **JOHN R. WRONA**

[JWrona@gkwwlaw.com](mailto:JWrona@gkwwlaw.com)

Partner John R. Wrona focuses his practice on representing severely injured persons and their families, bringing longed-for closure to those experiencing the most trying circumstances one can imagine facing.

John focuses his practice on medical malpractice, birth injuries, construction injuries, nursing home neglect, aviation and boating cases, auto and trucking accidents, product liability, and excessive force/civil rights cases.

To all these cases, John brings not only the force of his comprehensive experience but a sense of empathy where that quality is direly needed. He steadfastly discovers and gathers the evidence to prove his clients' cases. For example: in *Farissier vs. Northwest Oncology*, John obtained a jury verdict of \$5.42 million representing the family of a 55-year-old woman who died due to medical negligence during the treatment of her cancer. In *Egan vs. Clune Construction*, a young electrician sustained significant and permanent injuries as a result of a fall from the second floor at a Chicago commercial building; John obtained a \$2,325,000 settlement in cash for him, in addition to the waiver of a \$400,000 workers compensation lien. In *Louis Prosecky v Peterson*, John Wrona won a \$2.75 million dollar settlement for an electrician who suffered serious burns on his arms in the workplace. Recently, John obtained a \$5 million settlement in *Roeder vs. KC Transportation*, on behalf of the estate of a 17-year-old boy who was killed when his vehicle was rear-ended by a semi. He also settled a transplant negligence case against a Chicago area hospital for \$1.5 million for the death of a 66-year-old woman.

Outside client advocacy, John is proud to share his extensive knowledge and experience in the academic setting. He has served as an Adjunct Professor of Law in Trial Advocacy at Northwestern University School of Law for more than ten years and enjoys many opportunities to teach as an invited lecturer at continuing legal education seminars. John has also been named a Super Lawyer for the last 6 years and a Leading Lawyer for the last 4 years, selected by his legal peers.

## **OUR OFFICE LOCATIONS**

*53 W. Jackson Blvd. | Ste 950 | Chicago, IL | 60604*

*1755 Park St. | Ste 114 | Naperville, IL | 60563*

*500 Commercial Ct. | Ste 200 | Lake Geneva, WI | 53147*

*7601 W. 191st St. | Ste 1W | Tinley Park, IL | 60487*

# IN THE PRESS

*The New York Times*

## *Confusion, Then Prayer, in Cockpit of Doomed Lion Air Jet*



A Lion Air Boeing 737 Max 8 on the tarmac of Soekarno Hatta International airport near Jakarta, Indonesia. Willy Kurniawan/Reuters

JAKARTA, Indonesia — As the seconds ticked by on the doomed Indonesian flight, the pilot handed the controls to his co-pilot and flipped through the pages of a technical manual, trying to figure out what was happening.

Then, as the nose of [Lion Air Flight 610](#) repeatedly bucked downward, Harvino, the co-pilot, began to pray.

The supplication was caught on the final seconds of audio in the cockpit voice recorder.

“God is great,” Mr. Harvino, an experienced Indonesian aviator, said, then recited a verse asking God to grant a miracle.

But there was no miracle on Oct. 29, when the brand-new Boeing 737 Max 8 dived into the Java Sea in Indonesia, amid good weather, after 12 minutes in the air.

## IN THE PRESS



March 12, 2019 04:28 PM

### **After second Boeing crash, Chicago lawyers watch and wait**

About three dozen lawsuits were filed in Chicago following the fatal crash of a Boeing 737 Max 8 in Indonesia last year, which killed 189. Litigation likely will hinge on whether that incident can be connected with the recent disaster in Ethiopia.

CLAIRE BUSHEY  

Both crashes involve the 737 Max 8, a bestseller for the Chicago-based aerospace manufacturer. The planes crashed minutes after takeoff in fair weather. While the U.S. Federal Aviation Administration holds the plane is sky-worthy, authorities in other countries, including the United Kingdom, have **grounded the aircraft**.

The crash in Ethiopia could affect the trajectory of the Lion Air lawsuits, based on what investigators discover, said Thomas Gardiner, a name partner at Gardiner Koch Weisberg & Wrona, a West Loop firm with \$90 million in personal injury settlements since it was founded in 1992. The firm is representing the family of Lion Air co-pilot Harvino, who goes by one name, which is common in Indonesia.

"It depends on the result of the investigation, in what the cause was of the crash," he said. "If it's a similar circumstance, that evidence could be admissible, conceivably."

# IN THE PRESS



REUTERS®

WORLD NEWS DECEMBER 28, 2018 / 2:25 PM / 3 MONTHS AGO

## **Family of Lion Air co-pilot sues Boeing in Chicago over fatal crash**

CHICAGO (Reuters) - The family of the Indonesian co-pilot of a Lion Air flight that crashed in October, killing all 189 on board, has filed a wrongful death lawsuit against Boeing Co in Chicago, adding to litigation piling up against the manufacturer in its hometown.

The lawsuit, filed on Friday in the Circuit Court of Cook County, Illinois, alleges that a Lion Air-operated Boeing 737 MAX 8 was unreasonably dangerous because its sensors provided inconsistent information to both the pilots and the aircraft.

Boeing declined to comment on pending litigation.

Lion Air Flight 610 crashed into the Java Sea after take-off from Jakarta on Oct. 29.

The complaint was filed on behalf of pilot Harvino's widow and three children, who are all from Jakarta. It also alleges that the instruction manuals provided by Boeing with the two-month-old plane were insufficient, leading to the death of the pilots, crew and passengers.

In a statement, law firm Gardiner Koch Weisberg & Wrona said Harvino and Flight 610 Captain Bhayve Suneja were both experienced pilots, having logged more than 5,000 and 6,000 flight hours prior to the disaster.

# IN THE PRESS



A LexisNexis® Company

## Boeing Hit With Wrongful Death Suit In Fatal Lion Air Crash

By [Hailey Konnath](#)

Harvino worked alongside Capt. Bhavye Suneja. Both men had logged more than 5,000 flight hours before the crash, according to a press release from [Gardiner Koch Weisberg & Wrona](#), the firm representing Harvino's family.

The \$120 million Boeing 737 was "brand new," the release said.

"Boeing failed to provide proper instructions, policies and procedures to enable the pilots to override the anti-stall system," attorney John R. Wrona said in the release. "Despite their heroic efforts, the aircraft's malfunctioning flight control systems prevented the pilots from regaining control of the aircraft."

A representative for Boeing declined to comment Wednesday.

Harvino's estate is represented by Thomas G. Gardiner and John R. Wrona of Gardiner Koch Weisberg & Wrona.