

\$11.7 million settlement against Avjet in Aspen crash

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Burbank-based charter jet company, Avjet Corp., reached a \$11.7-million settlement Monday, July 7, with the families of three people killed in March of 2001 in a plane crash in Aspen, Colorado. The settlement was reached as a Los Angeles jury was about to begin the punitive phase of the trial.

The parents of Marissa Witham settled for \$9.5 million and the grandmother of Jose and Joseph Aguilar settled for \$2.2 million after the jury had awarded compensatory damages of \$8.5 million to the Withams and \$1.7 million to the Aguilars' grandmother.

The Gulfstream III, operated by Avjet and owned by Airborne Charter Inc., which is owned by Cinergi Pictures, was carrying 15 passengers from Los Angeles to Aspen for a birthday party when it crashed about 2400 feet short of the runway. Light snow was falling as the pilot attempted to land at dusk in one of the most difficult airports in the nation due to its mountainous terrain. Two planes ahead of the Gulfstream had aborted their approach because visibility was bad.

The law suit alleged the defendants knowingly flew into the face of danger when they attempted to land under unsafe, stormy weather conditions at Aspen Airport. Not only did they violate the airport's night landing curfew, but they disregarded more than ten federal, state and local regulations.

Marissa Witham, 22, worked at the assignment desk for FOX affiliate KTTV-TV in Los Angeles. She had previously worked as a reporter for two California TV stations, City of Torrance cable TV and Santa Monica CityTV. She was heading toward an extremely successful career as a news anchor.

The Withams were represented by J. Clark Aristei, Robert E. Guilford and Paul Hedlund of Baum, Hedlund, Aristei, Guilford & Schiavo and Brian Panish of Greene, Broillet, Panish & Wheeler. The family of Jose and Joseph Aguilar were represented by Kevin Boyle and Brian Panish of Greene, Broillet, Panish & Wheeler.

The trial at Los Angeles County Superior Court was conducted by J. Clark Aristei, Brian Panish and Kevin Boyle.

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