

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

AUBREY ANDERS)
7027 Watersedge Dr. apt. 164)
Cincinnati, Ohio 45241)

and)

ARIEL ANDERS)
3875 Bufflehead Dr.)
Gahanna, Ohio 43230)

Plaintiffs,)

v.)

JOHN BARRY SANDERS, individually)
and d/b/a SANDERS FLYING SERVICE,)
5910 Neubert Springs Rd.)
Knoxville, TN 37920)

and)

SANDERS FLYING SERVICE, LLC)
c/o its Registered Agent)
J. Barry Sanders)
5910 Neubert Springs Rd.)
Knoxville, TN 37920)

and)

QUENTIN ELKINS)
277 Park Lane)
Andersonville, TN 37705-3010)

Defendants.)

Civil Action No. _____

JURY DEMANDED

NOW COME the Plaintiffs, Aubrey Anders and Ariel Anders, by and through counsel, and for their Complaint against Defendants John Barry Sanders, individually and d/b/a Sanders Flying Service, Sanders Flying Service, LLC, and Quinten Elkins, state as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiffs are the natural daughters and next of kin of Michael Read Anders, deceased.

2. At all times relevant herein, Michael Read Anders was an individual residing in Albany, Clinton Co., Kentucky. Michael Read Anders died on January 4, 2013, while piloting his Airplane, a 1957 Beechcraft H35, Serial No. D-5121, FAA Registration No. N375B (“the Aircraft”). He was not married at the time of his death.

3. At all times relevant herein, Plaintiff Aubrey Anders is an individual residing at 7027 Watersedge Dr. apt. 164, Cincinnati, Ohio 45241, and Plaintiff Ariel Anders is an individual residing at 3875 Bufflehead Dr. Gahanna, Ohio 43230.

4. Defendant John Barry Sanders, individually and d/b/a Sanders Flying Service (hereinafter referred to as “Sanders”), is a citizen and resident of Knox County, Tennessee who may be served with process at his place of business, 5910 Neubert Springs Road, Knoxville, TN 37920. Sanders is in the business of servicing, maintaining, and repairing aircraft, including the Aircraft. Sanders, at all times material, was certified as a mechanic and inspector of aircraft, and licensed to perform maintenance on the Aircraft at issue.

5. Defendant Sanders Flying Service, LLC (hereinafter referred to as “SFS”) is a Tennessee limited liability company with its principle address being 5910 Neubert Springs Road, Knoxville, TN 37920. It may be served with process through its registered agent J. Barry Sanders at said address. SFS is in the business of servicing, maintaining, and repairing aircraft, including the Aircraft. Upon information and belief, Sanders and Defendant Quentin Elkins (hereinafter referred to as “Elkins”), at all times material, were agents, representatives, servants, and/or employees of SFS acting in the course and scope of their relationship as agents, representatives, servants, and/or employees of SFS. As such,

SFS is vicariously liable for the negligence of Sanders and Elkins to the extent either or both caused the wrongful death of Michael Read Anders.

6. Defendant Elkins is a citizen and resident of Anderson County, Tennessee who may be served with process at his residence, 277 Park Lane, Andersonville, TN 37705. At all times material, Elkins was an agent, representative, servant and/or employee of Sanders and/or SFS. Upon information and belief, in the course and scope of his relationship as the agent, representative, servant, and/or employee of Sanders and/or SFS, Elkins serviced, maintained, and repaired aircraft, including the Aircraft. As such, Sanders and/or SFS is/are vicariously liable for the negligence of Elkins to the extent same caused the wrongful death of Michael Read Anders.

7. As there is diversity in citizenship between Plaintiffs and the Defendants and the amount in controversy exceeds \$75,000.00, this Court, pursuant to 28 U.S.C. § 1332(a) and (b) has subject matter jurisdiction over this cause.

8. This Court has personal jurisdiction over Defendants Sanders, SFS, and Elkins as each resides and/or is domiciled in and may be served with process in the State of Tennessee.

9. As a substantial part of the acts and/or omissions complained of and giving rise to the wrongful death of Michael Read Anders occurred in the Eastern District of Tennessee, venue is proper with this Court pursuant to 28 U.S.C. § 1391.

FACTUAL BACKGROUND

10. Michael Read Anders was an experienced pilot with over 1,300 logged hours and holding a private pilot certificate with ratings for airplane single-engine land and instrument airplane.

11. A school teacher, Michael Read Anders decided to fly the Aircraft to the Bahamas for a short vacation during his Christmas Break.

12. On January 4, 2013, the Aircraft departed the Bahamas ultimately destined for Knoxville, Tennessee with its owner and pilot, Michael Read Anders, as well as Dwayne L. Shaw and Charisse M. Peoples, on board.

13. En route, the Aircraft landed at Saint Lucie County International Airport in Fort Pierce, Florida to clear customs and re-fuel, and then departed again for Knoxville Downtown Island Airport in Knoxville, Tennessee.

14. Thereafter, Michael Read Anders contacted Daytona Approach control and advised that the Aircraft was experiencing vibrations in the propeller and engine.

15. Daytona Approach control directed him to land at Flagler County Airport in Palm Coast, Florida.

16. Several minutes later Michael Read Anders reported that the engine oil pressure was zero with “cool cylinders.”

17. Radar vectors from Daytona Approach continued and the Aircraft was cleared to land at Flagler County Airport.

18. The Aircraft was observed on final approach at an unusually low altitude.

19. At approximately 2:19 pm, the Aircraft crashed approximately 4200 feet southeast of Flagler County Airport.

20. Following the crash, the Aircraft was engulfed in flames, killing its 3 occupants, including Michael Read Anders.

21. Upon information and belief, prior to the Aircraft’s departure to the Bahamas, Defendants Sanders, SFS, and/or Elkins performed certain servicing, maintenance, and/or repair on the Aircraft including the replacement of 2 cylinders in the engine.

22. Upon information and belief, the 2 replacement cylinders were not new or appropriate parts for use on the Aircraft.

23. Upon information and belief, while in flight, the Aircraft's #4 cylinder connecting rod broke, dislodged, and/or loosened from the crankshaft journal causing the vibration of the engine and/or propeller. After breaking free, the #4 cylinder connecting rod pierced the crankcase just below the mounting flange.

24. Upon information and belief, the piercing of the crankcase caused a loss in oil pressure and ultimately caused the Aircraft to stall and crash.

COUNT ONE WRONGFUL DEATH

25. Plaintiffs incorporate by reference all prior paragraphs of the Complaint as if fully re-written.

26. At all times herein, Defendants Sanders, SFS, and Elkins owed the passengers of the Aircraft, including Michael Read Anders, the duty to perform all service, maintenance, and repair of the Aircraft with reasonable care and in good and workmanlike manner to ensure the aircraft was airworthy and safe for flight.

27. Defendants Sanders, SFS, and Elkins breached this duty to Michael Read Anders and were negligent in the following manner:

- a. Failing to exercise reasonable care in the servicing, maintenance, and/or repair of the Aircraft;
- b. Installing faulty unairworthy, unserviceable and/or unauthorized parts and/or component parts into the Aircraft;
- c. Failing to exercise reasonable care in installing parts and/or component parts into the Aircraft;

- d. Failing to use proper procedures, techniques, methods, and/or parts when servicing, maintaining, and/or repairing the Aircraft; and
- e. Failing to ensure that the Aircraft was airworthy and fit for flight when the servicing, maintenance, and/or repairing of the Aircraft were completed.

28. As a direct and proximate result of Sanders, SFS, and/or Elkins' negligence, Michael Read Anders suffered a wrongful death and, therefore, Plaintiffs seek recovery for Michael Read Anders' conscious pain and suffering, funeral and burial expenses, medical expenses, out-of-pocket expenses, the loss of Michael Read Anders' earning capacity, loss of parental love, comfort, companionship, care, maintenance, support, services, advice, counsel, society, and consortium, the pecuniary value of Michael Read Anders' life, and all other damages allowed by law, comprising the total pecuniary value of his life.

29. This action is timely brought under Tennessee's discovery rule, as the statute of limitations is tolled until Plaintiffs discovered or reasonably should have discovered the occasion, the manner and means by which a breach of duty occurred that produced his injury and the identity of the Defendants who breached the duty. Plaintiffs should have reasonably discovered the identity of the Defendants no earlier than July 2, 2013.

WHEREFORE, Plaintiffs Aubrey Anders and Ariel Anders, pray for judgment against Defendants John Barry Sanders, individually and d/b/a Sanders Flying Service, Sanders Flying Service, LLC, and Quentin Elkins in an amount to be determined at Trial but an amount exceeding \$75,000.00, including fair and reasonable compensatory damages, and for all other, further and/or general damages and relief to which they may be entitled.

Respectfully submitted this 16th day of May, 2014.

Respectfully submitted,

s/Daniel H. Rader, IV

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