

FILED MULTNOMAH CO CIRCUIT CT  
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IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
FOR MULTNOMAH COUNTY

BETHANY FERRIS, individually; JANA FERRIS, individually; and CHRIS FERRIS, individually, and as Guardian ad Litem of his minor children B.F.F, a minor, B.N.F., a minor, and B.J.F., a minor,

*Plaintiffs,*

v.

HILLSBORO AERO ACADEMY, LLC, a foreign limited liability company; ASCEND PILOT ACADEMY, an Oregon Partnership/Joint Venture/Association; ALASKA AIRLINES, INC., a foreign corporation, also DBA ASCEND PILOT ACADEMY; HORIZON AIR INDUSTRIES, INC., a foreign corporation, also DBA ASCEND PILOT ACADEMY; MATT BEVACQUA, Personal Representative of the ESTATE OF BARRETT BEVACQUA, an Oregon resident,

*Defendants.*

Case No. 25CV51621

**COMPLAINT AND  
DEMAND FOR JURY TRIAL**

(Personal Injuries/Emotional Distress,  
Property Damage, Trespass)

PRAYER: \$18,000,000  
(Filing fee pursuant to ORS 21.160(1)(e))

**CLAIM NOT SUBJECT TO MANDATORY  
ARBITRATION**

**COMPLAINT AT LAW**

Plaintiffs, Bethany Ferris, individually, Jana Ferris, individually, and Chris Ferris, individually and as Guardian ad Litem of his minor children B.F.F. (daughter, 17), B.N.F. (son, 11), and B.J.F. (daughter, age 8) (all collectively referred to herein as "Plaintiffs"), by their

1 attorneys, Jacob Derman of The Derman Law Firm, and Mark Lindquist of Mark Lindquist  
2 Law PLLC (pro hac vice forthcoming), and Austin Bartlett of BartlettChen LLC (pro  
3 hac vice forthcoming), and for their Complaint at Law and Jury Demand against  
4 Defendants Hillsboro Aero Academy, LLC, Ascend Pilot Academy, Alaska Airlines,  
5 Inc., Horizon Air Industries, Inc., and Matt Bevacqua, Personal Representative of the  
6 Estate of Barrett Bevacqua, allege the following:

7 **I. Nature of Action**

8 1. In this action, Plaintiffs Chris Ferris and Jana Ferris seek recovery of  
9 compensatory damages for the total destruction of their real property, including their  
10 family home and yard, damage to their personal property, trespass, and emotional  
11 distress damages on behalf of themselves and their three minor children arising from  
12 Defendant's aircraft smashing into their home on October 3, 2023, as well as past and  
13 future expenses flowing from the destruction of their home and rebuilding their home.  
14 Their eldest daughter, Bethany Ferris, who is now 18, also seeks recovery of  
15 compensatory damages for her damages, including emotional distress damages,  
16 arising from this incident.

17 At the time of the crash, two of Chris and Jana's children were inside the home  
18 (Bethany Ferris, daughter, then 16; B.F.F., daughter, then 15), one child was in the  
19 process of opening the door at the time of impact (B.N.F., son, then 9), and their fourth  
20 and youngest child was playing outside in front of the home (B.J.F., daughter, then  
21 age 6). Below is a photograph depicting the devastation caused by the subject aircraft:  
22  
23  
24  
25



## II. Jurisdiction, Parties, and Venue

2. Plaintiffs, Chris Ferris, Jana Ferris, their eldest daughter, Bethany Ferris, and Chris and Jana's three minor children—B.F.F. (daughter, 17), B.N.F. (son, 11), and B.J.F. (daughter, age 8)—are all domiciled in and citizens of Oregon.

3. Plaintiffs Chris Ferris's and Jana Ferris's house which was destroyed when Defendant's aircraft smashed into it is located at 1913 N. Cedar Street in Newberg, Oregon 97132 ("the Ferris home").

4. Defendant Hillsboro Aero Academy, LLC (HAA) is a Delaware corporation with its principal place of business in Oregon. Hillsboro is registered to do business in Oregon. It's registered agent for service of process is CT Corporation System, 780 Commercial St. SE, Suite 100, Oregon 97301.

1           5.       HAA owned the subject aircraft, a Piper PA-44-180 Seminole, N8360K (“the  
2 subject aircraft”), which is a multi-engine, dual control aircraft.

3           6.       Defendant Alaska Airlines, Inc. (Alaska) is an Alaska corporation that operates in  
4 Oregon, including in Multnomah County, which is the location of its principal operations in  
5 Oregon. Alaska conducts regular, sustained business activity and transacts business in Multnomah  
6 County. Alaska is also registered to do business in Oregon, and it has appointed Corporation  
7 Service Company, 1127 Broadway St. NE., Suite 310, Salem, Oregon, 97301, as its registered  
8 agent for service of process in Oregon.

9           7.       Defendant Horizon Air Industries, Inc. (Horizon) is a Washington corporation that  
10 operates in Oregon, including in Multnomah County. Horizon conducts regular, sustained business  
11 activity and transacts business in Multnomah County. Horizon is registered to do business in  
12 Oregon, and it has appointed Corporation Service Company, 1127 Broadway St. NE., Suite 310,  
13 Salem, Oregon, 97301, as its registered agent for service of process in Oregon.

14           8.       Defendant Ascend Pilot Academy (APA) is a partnership, joint venture and/or  
15 unincorporated association in Oregon with its principal place of business in Oregon. Defendants  
16 HAA, Alaska, and Horizon are the partners, joint venturers, and/or association members of APA.  
17 APA may also be the DBA of some of these defendants.

18           9.       HAA and APA employed the flight instructor, Michele Cavallotti, who was  
19 providing a multi-engine instruction flight on the subject aircraft to student pilot, Barrett Bevacqua,  
20 who was a cadet enrolled in APA’s Ascend Pilot Academy program, at the time it struck the Ferris  
21 home.

22           10.      Decedent Barrett Bevacqua was an Oregon resident who perished in the crash.  
23 Defendant Matt Bevacqua is the Personal Representative of The Estate of Barrett Bevacqua, an  
24 Oregon resident.

1           11.     Jurisdiction and venue are thus proper in this Court because it is where one or more  
2 of the Defendants reside, where they transact regular business activity, and where they have an  
3 office for the transaction of business.

4                               **III.     Factual Background**

5           12.     APA's Ascend Pilot Academy program is a joint venture, partnership, or  
6 association between Alaska, Horizon, and HAA, where accepted pilots ("cadets") enroll, qualify  
7 for stipends to offset training costs, obtain future employment as commercial airline pilots with  
8 Horizon and later potentially at Alaska, and receive flight instruction from HAA, Horizon, and  
9 Alaska. In exchange, accepted cadets are required to spend a minimum of two years of full  
10 employment as a First Officer with Horizon.

11           13.     Alaska, Horizon, and HAA have made representations to the public on the internet  
12 as well as directly to pilots in APA's Cadet Agreement that the APA Ascend Pilot Academy is a  
13 "joint venture" among Alaska, Horizon, and HAA. The joint venture benefits all parties because  
14 the APA Ascend Pilot Academy program steers student pilots to HAA's training program boosting  
15 enrollment and profits, and the joint venture benefits Horizon and Alaska by funneling a steady  
16 stream of pilots to them and requiring that APA cadet pilots work for Horizon for a minimum of  
17 2 years, which in turn feeds pilots to Alaska.

18           14.     APA's Ascend Pilot Academy program requires enrollment in HAA's pilot training  
19 program.

20           15.     At all relevant times, including on the date the subject aircraft struck the Ferris  
21 home, student pilot Barret Bevacqua was enrolled in APA's pilot academy program, HAA's pilot  
22 training program, and Barret Bevacqua operated the subject aircraft and received instructional  
23 training from APA and HAA in furtherance of the APA Ascend Pilot Academy program.

24           16.     At all relevant times, including on the date the subject aircraft struck the Ferris  
25 home, HAA and APA employed flight instructor Michele Cavallotti who, while acting within the

1 course and scope of his employment for HAA and APA and/or as the agent of HAA and APA,  
2 provided a multi-engine instructional flight and training on the subject aircraft to student pilot,  
3 Barrett Bevacqua, in furtherance of the APA Ascend Pilot Academy Program.

4 17. On October 3, 2023, a dual-controlled, multi-engine aircraft, Piper PA-44-180  
5 Seminole, N8360K, owned and operated by HAA departed from Portland-Hillsboro Airport (HIO)  
6 with a HAA and APA flight instructor (Michele Cavallotti) in the right seat, a HAA and APA  
7 student pilot receiving multi-engine instruction (Barrett Bevacqua) in the left seat, and a pilot-rated  
8 passenger (Emily Hurd) in the right rear seat, immediately behind the flight instructor.

9 18. During the multi-engine training flight on the subject aircraft, a series of training  
10 maneuvers were conducted, including slow flight, emergency descent, steep turns, stalls, and  
11 finally a Vmc demonstration. A Vmc demonstration is a flight maneuver where a pilot simulates  
12 the loss of directional control due to a critical engine failure and demonstrates recovery techniques.

13 19. During a Vmc demonstration, adequate airspeed must be maintained, or a stall will  
14 likely occur. The Federal Aviation Administration's approved flight manual sets forth the proper  
15 procedures which must be followed during a Vmc demonstration maneuver. According to the  
16 FAA's flight manual (FAA-H-8083-3C), "the moment the pilot first recognizes the uncontrollable  
17 yaw, or experiences any symptom associated with a stall, the pilot simultaneously retards the  
18 throttle for the operating engine to stop the yaw and lowers the pitch attitude to regain speed."

19 20. During the Vmc demonstration, the subject aircraft's stall warning sounded, and  
20 shortly thereafter the aircraft became inverted.

21 21. As the flight instructor on this multi-engine training flight, HAA and APA flight  
22 instructor Michele Cavallotti, had a duty to properly operate, instruct, monitor, guide, and  
23 supervise the pilot receiving instruction, Barrett Bevacqua, to assure a safe flight and prevent a  
24 loss of control of the aircraft as it was reasonably foreseeable that losing control of the aircraft  
25

1 would endanger both the aircraft occupants and persons on the ground, including homeowners  
2 such as the Ferris family and their four children.

3       22.     The pilot receiving instruction, HAA and APA cadet Barrett Bevacqua, who at that  
4 time was flying the plane and physically manipulating the aircraft's controls under the supervision  
5 and guidance of HAA and APA flight instructor Michele Cavallotti, asked the flight instructor to  
6 take control of the airplane, which Cavallotti did. HAA trainee and APA cadet, pilot Barrett  
7 Bevacqua, owed a duty of reasonable care to operate the subject aircraft in a safe and reasonable  
8 manner and maintain control of the aircraft at all times to prevent an accident as it is reasonably  
9 foreseeable that a loss of control of an aircraft poses an unreasonable danger and risk of bodily  
10 harm, property damage, and severe emotional distress both to the aircraft occupants and to those  
11 on the ground, including homeowners such as the Ferris family and their children.

12       23.     Both the pilot receiving instruction, HAA and APA cadet Barrett Bevacqua, and  
13 the HAA and APA flight instructor, Michele Cavallotti, failed to maintain control of the subject  
14 aircraft, which resulted in a stall and spin and the aircraft diving nose-down towards the ground.

15       24.     At all times relevant, HAA and APA flight instructor Michele Cavallotti was an  
16 employee and agent of HAA and APA and acting within the scope of his employment and agency  
17 with HAA and APA. HAA and APA and APA's partners, joint venturers, and/or association  
18 members—HAA, Alaska, and Horizon—are liable for the acts and omissions of their employee  
19 and agent, Michelle Cavallotti. HAA and APA and APA's partners, joint venturers, and/or  
20 association members—HAA, Alaska, and Horizon—are also liable for the acts and omissions of  
21 APA cadets operating the subject aircraft, including APA cadet Barrett Bevacqua.

22       25.     At approximately 6:47 p.m. on October 3, 2023, Chris and Jana Ferris were outside  
23 the front of their house located at 1913 N. Cedar Street in Newberg, Oregon, on an idyllic fall day  
24 watching their two youngest children (B.N.F. and B.J.F.) play with a neighborhood friend.

1           26.     Chris and Jana's two oldest daughters (Bethany Ferris and B.F.F.), who were then  
2     16 and 15, were inside the family home with the family dog. As their son, B.N.F., then age 9,  
3     approached the front door to enter the home, the subject aircraft smashed into it and a loud boom  
4     was heard and B.N.F. sprinted away towards the street.

5           27.     Chris Ferris, fearful for the fate of his eldest daughters, ran inside the home and  
6     found his daughters sobbing and running towards the front door along with the family's dog.

7           28.     The interior of the home looked like a bomb went off. The plane crashed through  
8     the roof like a missile and hit the kitchen and bedrooms and structural support beams. The house  
9     smelled of plane fuel mixed with other noxious odors. Insulation was raining down through the  
10    entry, the living room, the kitchen, and their youngest children's bedroom.

11          29.     The force of the subject aircraft crashing into their home destroyed its structural  
12    integrity, and it was damaged beyond repair. The home is uninhabitable. In addition to the  
13    extensive structural damage, plane fuel and other contaminants spilled also all over the home and  
14    the Ferris's personal property.

15          30.     In addition to the destruction of the Ferris's home, their yard was damaged by the  
16    aircraft and the removal of the aircraft from their property. Investigation continues as to whether  
17    soil remediation is necessary due to the fuel and other contaminants which escaped from the  
18    aircraft.

19          31.     Because their home was destroyed due to the negligence of the Defendants, Chris  
20    and Jana Ferris have had to move their family six times in 21 months into various rentals. All of  
21    their children have had to change schools, they've had to drive long distances, and there has been  
22    financial and emotional strain on the family.

23          32.     Chris and Jana Ferris have suffered significant damages due to the destruction of  
24    their beloved home and face significant future expenses associated with demolition, excavation,  
25



1 soil testing, building permits, rebuilding a new home, replacing their personal property, and  
2 landscaping.

3 33. The physical integrity and safety of one's family home and not having that home  
4 trespassed, invaded, violated, and physically destroyed is a legally protected interest under Oregon  
5 law sufficient to subject Defendants to liability for emotional distress damages.

6 34. It is reasonably foreseeable that failing to maintain control of an aircraft near a  
7 residential neighborhood poses an unreasonable danger and risk of harm not only to the aircraft  
8 occupants but to persons and homes on the ground, including the Ferris family.

9 35. The Oregon Supreme Court has recognized that "physical harm" for purposes of  
10 pursuing emotional distress damages includes both bodily injury and property damage.

11 36. Being safe inside the family home and not having it destroyed, especially when  
12 parents and children are located inside the home or near it, is a sufficiently important interest to  
13 support the imposition of liability for emotional distress damages.

14 37. Invading, destroying, or physically damaging a family home—especially with an  
15 aircraft—is reasonably foreseeable to result in immense psychological distress and significant  
16 emotional harm to a family, as occurred here.

17 38. Chris Ferris, Jana Ferris, their eldest daughter Bethany Ferris, and Chris and Jana's  
18 three minor children, B.F.F., B.N.F., and B.J.F. have each suffered severe emotional distress due  
19 to the destruction of their family home because of the Defendants' acts and omissions and because  
20 of the reasonable fear for their own safety and the safety of their loved ones when the aircraft dove  
21 at a high-speed into their home. They have suffered nightmares, difficulty sleeping and bouts of  
22 insomnia requiring prescribed sleep medication, depression, anxiety, mental anguish, and fear  
23 when aircraft pass overhead. Chris Ferris has also lost his employment due to the magnitude of  
24 this event on his family's life and the immense amount of time and energy he has had to devote to  
25 rebuilding their life, including coordinating with contractors, insurance adjusters, and so forth.

**IV. Causes of Action**

**FIRST CAUSE OF ACTION**

**(Negligence – Personal Injury/Emotional Distress and Property Damage -  
Plaintiffs against all Defendants)**

39. Plaintiffs incorporate their allegations 1 through 38 above as though fully set forth herein.

40. Defendants HAA and APA, as the owner and operator of the subject aircraft and the entities acting in concert to operate a pilot training program, owed a duty of care to assure that pilots operating the subject aircraft on training flights, including HAA and APA's employee and agent—flight instructor, Michele Cavallotti—and the pilot receiving instruction, HAA and APA cadet Barrett Bevacqua—exercised reasonable care and operated the aircraft in a safe manner and maintained control of the aircraft at all times, especially near residential neighborhoods, as it is reasonably foreseeable that a loss of control of an aircraft poses an unreasonable danger and risk of bodily harm, property damage, and severe emotional distress both to the aircraft occupants and to those on the ground, including the Ferris family and their home.

41. Defendants HAA and APA's employee and agent, flight instructor Michele Cavallotti, who was at all times acting within the course and scope of his employment and agency with HAA and APA, also owed a duty as the flight instructor to exercise reasonable care to assure that he and the pilots he was training operated the subject aircraft in a safe and reasonable manner and maintained control of the aircraft at all times to prevent an accident and he was duty-bound to properly instruct, monitor, guide, and supervise pilots he was training, including Barrett Bevacqua.

42. HAA trainee and APA cadet, pilot Barrett Bevacqua, also owed a duty of reasonable care to operate the subject aircraft in a safe and reasonable manner and maintain control of the aircraft at all times to prevent an accident as it is reasonably foreseeable that a loss of control of an aircraft poses an unreasonable danger and risk of bodily harm, property damage, and severe

1 emotional distress both to the aircraft occupants and to those on the ground, including the Ferris  
2 family and their home.

3 43. Defendants HAA, APA, and APA's partners, joint venturers, and/or association  
4 members—HAA, Alaska, and Horizon—individually and through the acts and omissions of each  
5 other and their employees and agents, including but not limited to flight instructor, Michele  
6 Cavallotti, as well as APA cadet and student pilot Barrett Bevacqua, negligently breached their  
7 duties through one or more of the following negligent acts and omissions:

- 8 a. Negligently failed to assure HAA and APA flight instructors and pilots receiving  
9 training were properly trained regarding the operation of the subject aircraft on  
10 multi-engine training flights, including on Vmc demonstration maneuvers;
- 11 b. Negligently failed to train flight instructors and pilots receiving training on proper  
12 crew resource management particularly during high-risk training maneuvers and in  
13 a high workload environment;
- 14 c. Negligently failed to assure the subject aircraft was operated in a safe and  
15 reasonable manner especially near residential neighborhoods;
- 16 d. Negligently failed to properly supervise, monitor, guide, and train APA cadet and  
17 student pilot Barrett Bevacqua and take control of the aircraft in a reasonably  
18 prudent manner;
- 19 e. Negligently delayed taking control of the aircraft when Barrett Bevacqua required  
20 assistance during the Vmc demonstration maneuver;
- 21 f. Negligently failed to prevent the subject aircraft from entering a stall and spin;
- 22 g. Negligently failed to maintain control of the aircraft and prevent it from crashing  
23 to the ground;
- 24 h. Negligently failed to maintain proper directional control of the aircraft and a proper  
25 angle of attack;

- 1 i. Negligently performed the Vmc demonstration maneuver;
- 2 j. Negligently failed to assure that the aircraft was operated in accordance with the
- 3 aircraft operating manual and federal aviation regulations;
- 4 k. Negligently operated a pilot training program; and,
- 5 l. Negligently failed to otherwise take appropriate action to prevent the aircraft from
- 6 crashing.

7 44. Decedent Barrett Bevacqua negligently breached his duties through one or more of  
8 the following negligent acts and omissions for which he and his estate Defendant Matt Bevacqua,  
9 Personal Representative of The Estate of Barrett Bevacqua, are liable:

- 10 a. Negligently failed to assure he was properly trained on Vmc demonstration
- 11 maneuvers before attempting that maneuver;
- 12 b. Negligently failed to properly communicate and engage in proper crew resource
- 13 management with his flight instructor during a high-risk training maneuver and a
- 14 high workload environment;
- 15 c. Negligently failed to assure the subject aircraft was operated in a safe and
- 16 reasonable manner especially near a residential neighborhood;
- 17 d. Negligently failed to maintain control of the aircraft;
- 18 e. Negligently performed the Vmc demonstration maneuver;
- 19 f. Negligently failed to prevent the subject aircraft from entering a stall and spin;
- 20 g. Negligently failed to maintain control of the aircraft and prevent it from crashing
- 21 to the ground;
- 22 h. Negligently failed to maintain proper directional control of the aircraft and a proper
- 23 angle of attack;
- 24 i. Negligently failed to operate the subject aircraft in accordance with the aircraft
- 25 operating manual and federal aviation regulations; and,

j. Negligently failed to otherwise take appropriate action to prevent the aircraft from crashing.

45. As a direct and proximate result of one or more of the foregoing negligent acts and omissions by the Defendants, the subject aircraft crashed into the Ferris's home and proximately caused Plaintiffs' injuries, including the destruction of their home; destruction and damage to their personal property; damage to their real property including the yard and soil; and future expenses including demolition, excavation, permitting, rebuilding their home, replacing their personal property, soil testing, and landscaping.

46. In addition, as a direct and proximate result of one or more of the foregoing negligent acts and omissions by the Defendants, Plaintiffs Chris Ferris, Jana Ferris, their eldest daughter Bethany Ferris, and Chris and Jana's three minor children, B.F.F., B.N.F., and B.J.F. have each suffered severe emotional distress and mental anguish due to the destruction of their family home, their inability to feel safe in a home, and their reasonable fear for their own safety and the safety of their loved ones. Plaintiffs have and continue to suffer from nightmares, difficulty sleeping, bouts of insomnia, depression, anxiety, mental anguish, and fear when aircraft pass overhead both when they are inside a physical structure and outside. They no longer feel safe at home.

47. Defendants are liable for all injuries that Plaintiffs have sustained and all damages flowing from those injuries.

WHEREFORE, the Plaintiffs, Bethany Ferris, individually, Jana Ferris, individually, and Chris Ferris, individually and as Guardian ad Litem of his minor children, B.F.F., a minor, B.N.F., a minor, and B.J.F., a minor, by their attorneys, respectfully request that the Court enter judgment in their favor and against the Defendants, and award them all damages available under Oregon law, their court costs in this matter, pre-judgment and post-judgment interest, attorney's fees, and such other relief as the Court deems just and proper.

**SECOND CAUSE OF ACTION**

**(Trespass – Plaintiffs against all Defendants)**

48. Plaintiffs incorporate their allegations 1 through 47 above as though fully set forth herein.

49. On October 3, 2023, Plaintiffs Chris Ferris and Jana Ferris owned a family home and real property located at 1913 N. Cedar Street in Newberg, Oregon.

50. On October 3, 2023, Defendants, without the consent or authorization of Chris Ferris and Jana Ferris, invaded, violated, and physically destroyed their home by crashing the subject aircraft into the roof of the house and nearly killing their minor children who were inside the family home as well as nearly killing their minor children who were outside the home as well as Chris and Jana.

51. Due to the careless, negligent, and reckless actions of the Defendants and each of them, Plaintiffs' beloved home was destroyed, their yard was damaged, and their lives were put in peril.

52. Defendants committed a trespass by allowing the aircraft to crash into Plaintiffs' home.

53. As a direct and proximate result of Defendants' trespass, they proximately caused Plaintiffs' injuries, including the destruction of their home; damage to their personal property; damage to their real property including the yard and soil; and future expenses including demolition, excavation, permitting, rebuilding their home, replacing their personal property, soil testing, and landscaping.

54. In addition, as a direct and proximate result of Defendants' trespass, Plaintiffs Chris Ferris, Jana Ferris, their eldest daughter Bethany Ferris, and Chris and Jana's three minor children, B.F.F., B.N.F., and B.J.F. have each suffered severe emotional distress and mental anguish due to

1 the destruction of their family home, their inability to feel safe in a home, and their reasonable fear  
2 for their own safety and the safety of their loved ones. Plaintiffs have and continue to suffer from  
3 nightmares, difficulty sleeping, bouts of insomnia, depression, anxiety, mental anguish, and fear  
4 when aircraft pass overhead both when they are inside a physical structure and outside. They no  
5 longer feel safe at home.

6 55. Defendants are liable for all injuries that Plaintiffs have sustained and all damages  
7 flowing from those injuries.

8 WHEREFORE, the Plaintiffs, Bethany Ferris, individually, Jana Ferris, individually, and  
9 Chris Ferris, individually and as Guardian ad Litem of his minor children, B.F.F., a minor, B.N.F.,  
10 a minor, and B.J.F., a minor, by their attorneys, respectfully request that the Court enter judgment  
11 in their favor and against the Defendants, and award them all damages available under Oregon  
12 law, their court costs in this matter, pre-judgment and post-judgment interest, attorney's fees, and  
13 such other relief as the Court deems just and proper.

14 **JOINT VENTURE LIABILITY AND VICARIOUS LIABILITY**

15 56. Plaintiffs incorporate their allegations 1 through 55 above as though fully set forth  
16 herein.

17 57. Defendants HAA, Alaska, and Horizon hold themselves out as being a partnership  
18 and joint venture, and they exert the right to control the operations of APA and do actually control  
19 the operations of APA.

20 58. Defendants HAA, Alaska, Horizon, and APA are a joint venture for profit and  
21 benefit. They combine their property, money, skill, knowledge, and share in control of the  
22 operations of APA and pilot training provided by APA/HAA.

23 59. Defendants explicitly refer to themselves as a joint venture including but not limited  
24 to in the Cadet Agreement.

25 60. Defendants HAA, Alaska, Horizon, and APA have a joint-venture agreement.

1           61. Defendants HAA, Alaska, Horizon are directly and vicariously liable for the  
2 negligent acts and omissions of HAA/APA flight instructor Michele Cavallotti and HAA/APA  
3 cadet and student pilot Barrett Bevacqua.

4           62. As joint-venturers, Defendants HAA, Alaska, Horizon, and APA are each liable  
5 individually, jointly, and vicariously for each other's negligent acts and omissions, including for  
6 the negligent acts and omissions of HAA/APA flight instructor Michele Cavallotti and HAA/APA  
7 cadet and student pilot Barrett Bevacqua, including:

- 8           a. Negligently failing to assure HAA and APA flight instructors and pilots receiving  
9 training are properly trained regarding the subject aircraft on multi-engine training  
10 flights, including on Vmc demonstration maneuvers;
- 11           b. Negligently failing to train flight instructors and pilots receiving training on proper  
12 crew resource management particularly during high-risk training maneuvers and in  
13 a high workload environment;
- 14           c. Negligently failing to assure the subject aircraft was operated in a safe and  
15 reasonable manner especially near residential neighborhoods;
- 16           d. Negligently failing to properly supervise, monitor, guide, and train pilot Barrett  
17 Bevacqua and take control of the aircraft in a reasonably prudent manner;
- 18           e. Negligently delaying taking control of the aircraft when Barrett Bevacqua required  
19 assistance during the Vmc demonstration maneuver;
- 20           f. Negligently failing to prevent the subject aircraft from entering a stall and spin;
- 21           g. Negligently failing to maintain control of the aircraft and prevent it from crashing  
22 into Plaintiffs' home;
- 23           h. Negligently failing to maintain proper directional control of the aircraft and a  
24 proper angle of attack;
- 25           i. Negligently performing the Vmc demonstration maneuver;



- 1 j. Negligently failing to assure that the subject aircraft was operated in accordance  
2 with the aircraft operating manual and federal aviation regulations;  
3 k. Negligently operating a pilot training program; and,  
4 k. Negligently failing to otherwise take appropriate action to prevent the aircraft from  
5 crashing.  
6

7 **PARTNERSHIP LIABILITY AND VICARIOUS LIABILITY**

8 63. Plaintiffs incorporate their allegations 1 through 62 above as though fully set forth  
9 herein.

10 64. At all relevant times, including at the time of the accident, HAA and APA flight  
11 instructor Michele Cavallotti was acting in the course and scope of his employment and agency  
12 with Defendants HAA and APA.

13 65. At all relevant times, including at the time of the accident, Defendants HAA,  
14 Alaska, and Horizon jointly owned, operated, managed, and controlled the activities of APA as a  
15 business partnership for their mutual benefit and profit.

16 66. Defendants Alaska, Horizon, and HAA all profit from their partnership  
17 arrangement because the APA Ascend Pilot Academy program steers student pilots to HAA's  
18 training program boosting enrollment and profits, and benefits Horizon and Alaska by funneling a  
19 steady stream of pilots to them and requiring that APA cadet pilots work for Horizon for a  
20 minimum of 2 years, which in turn feeds pilots to Alaska.

21 67. Defendants Alaska, Horizon, and HAA contribute assets and resources to the APA  
22 business operation and share in APA's profits and benefits.

23 68. Defendants Alaska, Horizon, and HAA publicly describe themselves as partners of  
24 APA and they hold each other out as being partners in the APA.  
25

1           69.     At all relevant times, including at the time of the accident, HAA/APA employee,  
2 agent, and flight instructor Michele Cavallotti acted on behalf of HAA and the APA partnership  
3 and within the course and scope of his employment and agency, including when the subject aircraft  
4 crashed into the Plaintiffs' home.

5           70.     At all relevant times, including at the time of the accident, HAA/APA cadet and  
6 student pilot Barrett Bevacqua was receiving training and operating the subject aircraft in  
7 furtherance of the APA Ascend Pilot Academy program, including when the subject aircraft  
8 crashed into the Plaintiffs' home.

9           71.     As partners in the APA, Defendants Alaska, Horizon, and HAA are jointly and  
10 vicariously liable for the negligence of all other partners and for their employees, agents, and  
11 cadets, including but not limited to for the acts and omissions of HAA/APA flight instructor  
12 Michele Cavallotti and HAA/APA cadet and student pilot Barrett Bevacqua.

### 13                                   **VICARIOUS AND JOINT LIABILITY**

14           72.     Plaintiffs incorporate their allegations 1 through 71 above as though fully set forth  
15 herein.

16           73.     Defendants HAA, Alaska, Horizon, and APA are engaged in a partnership and joint  
17 venture with each other and are individually, jointly, and vicariously liable for the negligent acts  
18 and omissions of each other and each other's employees, agents, servants, borrowed servants,  
19 flight instructors, and cadets, including for the negligent acts and omissions of each other before  
20 and during the subject flight which resulted in the subject aircraft crashing into and destroying  
21 Plaintiffs' home, their personal property, and resulting in severe emotional distress to Chris Ferris,  
22 Jana Ferris, their eldest daughter Bethany Ferris, and Chris and Jana's three minor children B.F.F.,  
23 B.N.F., and B.J.F.

### 24                                   **DAMAGES**

1           74.     Plaintiffs incorporate their allegations 1 through 73 above as though fully set forth  
2 herein.

3           75.     This action is brought for the personal injuries/emotional distress, property damage,  
4 and trespass damages which were suffered as a result of the subject aircraft crashing into Plaintiffs  
5 Chris Ferris and Jana Ferris's home and endangering them, their eldest daughter Bethany Ferris,  
6 and Chris and Jana's three minor children (B.F.F., B.N.F., and B.J.F.).

7           76.     As a result of this crash, Plaintiffs' home was destroyed, their personal property  
8 was destroyed or damaged, the soil, landscaping, and yard was damaged, and Plaintiffs Chris  
9 Ferris, Jana Ferris, Bethany Ferris, and Chris and Jana's three minor children (B.F.F., B.N.F., and  
10 B.J.F.) have each suffered severe emotional distress damages.

11          77.     As a direct and proximate result of Defendants' negligent acts and omissions, they  
12 proximately caused Plaintiffs' injuries, including the destruction of their home; damage to their  
13 personal property; damage to their real property including the yard and soil; past and future  
14 monthly rental expenses; past and future moving expenses; and future expenses including  
15 demolition, excavation, permitting, the costs of rebuilding their home, replacing their personal  
16 property, soil testing, sampling, and removal, engaging various contractors, landscaping; moving  
17 costs, storage costs, and rental expenses.

18          78.     In addition, as a direct and proximate result of Defendants' trespass, Plaintiffs Chris  
19 Ferris, Jana Ferris, their eldest daughter Bethany Ferris, and Chris and Jana's three minor children  
20 (B.F.F., B.N.F., and B.J.F.) have each have suffered severe emotional distress and mental anguish  
21 due to the destruction of their family home, their inability to feel safe in a home, and their  
22 reasonable fear for their own safety and the safety of their loved ones. Plaintiffs have and continue  
23 to suffer from nightmares, difficulty sleeping, bouts of insomnia, depression, anxiety, mental  
24 anguish, and fear when aircraft pass overhead both when they are inside a physical structure and  
25 outside. They no longer feel safe at home.

1           79.     Plaintiffs have also had to move six times, and all of the Ferris children have had  
2 to change schools as a result of this airplane crash.

3           80.     Plaintiff Chris Ferris has also lost his employment and suffered past and future  
4 wage losses.

5           81.     Plaintiffs' claimed damages include, but are not limited to:

6           a.     All past and future economic damages including: destruction of real property and  
7 personal property (home, land, soil, landscaping, personal possessions); damage to real and  
8 personal property (home, land, soil, landscaping, personal possessions); diminution in value of real  
9 and personal property (home, land, soil, landscaping, personal possessions); past and future  
10 monthly rental expenses; past and future moving expenses; loss of past and future wages for Chris  
11 Ferris; medical and therapy expenses; future pecuniary and economic damages for demolition,  
12 excavation, permitting, architectural plans, rebuilding their home, replacing their personal  
13 property, soil sampling, testing, and removal, landscaping. moving costs, storage costs, and rental  
14 expenses.

15           b.     All past and future non-economic damages, including fear of impending death,  
16 mental anguish, emotional distress, depression, anxiety, insomnia, difficulty sleeping, fear of  
17 aircraft, not feeling safe when at home;

18           c.     Trespass and all emotional distress damages flowing from the trespass;

19           d.     All damages allowed under the law for personal injuries/emotional distress,  
20 property damage, and trespass;

21           e.     All attorneys' fees, costs, expenses, prejudgment and post-judgment interest as  
22 allowed by law;

23           f.     For such other and further relief as the Court deems just and proper.

24           82.     Pursuant to ORCP Rule 18(b), Plaintiffs demand the following relief:

25           a.     Economic loss in a reasonable amount not to exceed \$3 million.

b. Non-economic damages for fear of impending death, mental anguish, emotional distress, depression, anxiety, insomnia, difficulty sleeping, fear of aircraft, not feeling safe when at home in a reasonable amount not to exceed \$15 million dollars (\$2.5 million for each family member).

#### **JURY TRIAL DEMAND**

Plaintiffs hereby demand a trial by jury of at least twelve (12) members on all issues in this action.

#### **PRAYER FOR RELIEF**

WHEREFORE, for the reasons stated, Plaintiffs Bethany Ferris, individually, Jana Ferris, individually, and Chris Ferris, individually and as Guardian ad Litem of his minor children, B.F.F., a minor, B.N.F., a minor, and B.J.F., a minor (collectively "Plaintiffs"), pray for judgment against the Defendants as follows:

a. All past and future economic damages including: destruction of real property and personal property (home, land, soil, landscaping, personal possessions); damage to real and personal property (home, land, soil, landscaping, personal possessions); diminution in value of real and personal property (home, land, soil, landscaping, personal possessions); loss of past and future wages for Chris Ferris; medical and therapy expenses; future pecuniary and economic damages for demolition, excavation, permitting, architectural plans, rebuilding their home, replacing their personal property, soil testing and soil removal, and landscaping.

b. All past and future non-economic damages, including fear of impending death, mental anguish, emotional distress, depression, anxiety, insomnia, difficulty sleeping, fear of aircraft, not feeling safe when at home;

c. Trespass and all emotional distress damages flowing from the trespass;

d. All damages allowed under the law for personal injuries/emotional distress, property damage, and trespass;

1 e. All attorneys' fees, costs, expenses, prejudgment and post-judgment interest as  
2 allowed by law;

3 f. Economic loss in a reasonable amount not to exceed \$3 million.

4 g. Non-economic damages for fear of impending death, mental anguish, emotional  
5 distress, depression, anxiety, insomnia, difficulty sleeping, fear of aircraft, not feeling safe when  
6 at home in a reasonable amount not to exceed \$15 million dollars (\$2.5 million for each family  
7 member).

8 h. For such other and further relief as the Court deems just and proper.

9  
10 Dated: September 18, 2025

Respectfully submitted,

11 /s/ Jacob Derman

Jacob Y. Derman, OSB No. 203658

**The Derman Law Firm**

P.O. Box 1271

Bend, Oregon 97709

(541) 241-6470

jacobyderman@gmail.com

14 --and--

15  
16 Mark Lindquist (pro hac vice forthcoming)

**Mark Lindquist Law**

100 South 9th Street

Tacoma, WA 98402

Mark@MarkLindquistLaw.com

19 Austin Bartlett (pro hac vice forthcoming)

**BartlettChen LLC**

77 W. Wacker Drive, Suite 4500

Chicago, Illinois 60601

austin@bartlettchenlaw.com

22 *Counsel for Plaintiffs BETHANY FERRIS, individually;*  
23 *JANA FERRIS, individually; and CHRIS FERRIS,*  
24 *individually, and as Guardian ad Litem of his minor*  
25 *children B.F.F, a minor, B.N.F., a minor, and B.J.F., a*  
*minor*