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3
IN THE CIRCUIT COURT FOR THE STATE OF OREGON
4
FOR MULTNOMAH COUNTY
5

6 BETHANY FERRIS, individually; JANA
7 FERRIS, individually; and CHRIS FERRIS,
8 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,

9 *Plaintiffs,*

10 *v.*

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

20 *Defendants.*

Case No. *25CV51621*

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

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

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

CLAIM NOT SUBJECT TO MANDATORY
ARBITRATION

21
COMPLAINT AT LAW
22

23 Plaintiffs, Bethany Ferris, individually, Jana Ferris, individually, and Chris Ferris,
24 individually and as Guardian ad Litem of his minor children B.F.F. (daughter, 17), B.N.F. (son,
25 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:



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. Its registered agent for service of process is CT Corporation System, 780 Commercial St. SE, Suite 100, Oregon 97301.

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

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

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

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

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

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

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

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.

15. At all relevant times, including on the date the subject aircraft struck the Ferris
home, student pilot Barret Bevacqua was enrolled in APA's pilot academy program, HAA's pilot
training program, and Barret Bevacqua operated the subject aircraft and received instructional
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.

25

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;

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

PARTNERSHIP LIABILITY AND VICARIOUS LIABILITY

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

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:

- e. All attorneys' fees, costs, expenses, prejudgment and post-judgment interest as allowed by law;
- f. Economic loss in a reasonable amount not to exceed \$3 million.
- g. 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).
- h. For such other and further relief as the Court deems just and proper.

Dated: September 18, 2025

Respectfully submitted,

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--and--

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