
Maine News

From the AP Wire

Tuesday, October 28, 2003 10:30 a.m.

Maine jury sides with American Airlines in federal lawsuit

Associated Press

PORTLAND, Maine — A federal jury has ruled in favor of American Airlines in a lawsuit over the death of a Maine man who suffered a heart attack on a flight three years ago. Lawyers for the family of David Johnson contended the jet should have made an emergency landing the moment he collapsed in the aisle just minutes after liftoff on a flight from Miami to Boston. Johnson, 62, survived the episode on March 30, 2000, but suffered heart damage and died 13 months later.

Jurors deliberated until 7 p.m. Monday before siding with American Airlines, whose lawyer said the flight crew relied on a doctor who didn't diagnose a heart attack until the plane neared New York.

The Doctor from Massachusetts General Hospital advised the pilot that Johnson would get treatment faster if the flight continued to Boston rather than landing in New York and fighting traffic.

At issue is whether the extra time Johnson spent in the air is what ultimately killed him. His wife, Elizabeth, contended airline employees were negligent because they did not turn the plane around and rush Johnson to a hospital.

“This is a flight that should have been diverted, and had it been diverted significant time could have been saved,” said Johnson's lawyer, William Robitzek. “They wasted two hours.”

Just after American Airlines Flight 1700 left the runway in Miami, Johnson told his wife he wasn't feeling well and was going to the bathroom. He collapsed in the aisle and complained of chest pains.

Members of the flight crew were sufficiently concerned about Johnson to ask if there was a doctor on board and to break out the advanced first aid kit that included a bottle of oxygen.

Dr. James Otis, a neurologist from Mass General, spoke to Johnson, and the flight attendants deferred to his opinion. It was not until the plane was near New York that Otis determined Johnson was having a heart attack, and said he thought Johnson would get treatment faster flying to Boston than landing in New York.

“It was well-managed,” said Michael Fitzhugh, lawyer for American Airlines. “There is no evidence of any negligence.” Fitzhugh said there was also no evidence that the delay in treatment was what eventually caused Johnson's death. There was no autopsy conducted, and a second heart attack could have been what killed him.

Robitzek put the blame squarely on the airline.

If the plane had turned around while still in Florida, or stopped at three other possible locations before landing in Boston, Johnson could have gotten the care he needed.

Johnson survived but as a “cardiac cripple,” Robitzek said. “Damage in the heart muscle led to damage in the life.”
