

\$20,800,000

Aviation Accident  
**Federal Torts Claim Act**

**FACTS:** Plaintiffs, two parents and their four children, are residents of France. They were in California on vacation. While driving from San Francisco to Los Angeles, they decided to make a stop at Death Valley National Park. They were taking family photographs at Rainbow Canyon inside the park when two United States Department of Navy FA/18 fighter jets were conducting a training exercise in Rainbow Canyon on public land inside the park. During the training exercise, the lead pilot miscalculated his speed and his angle of ascent out of the canyon and his jet crashed into the sidewall of the canyon at over 600 mph. The crash caused a large explosion followed by a fireball and column of fire. Plaintiffs tried to run from the fire and they all sustained various degrees of burn injury.

**CONTENTIONS:** Plaintiffs contended that the United States Department of Navy should not have allowed their fighter jets to conduct training exercises through a very tight and narrow canyon located inside Death Valley National Park which was open to the public - and Defendant United States of America was therefore responsible for Plaintiffs' injuries under the Federal Torts Claim Act.

**INJURIES:** Plaintiffs sustained various degrees of burn injury with the most severe injury involving second and third degree burns to back, shoulders and lower legs which required reconstructive surgery in a burn center and the least injured sustaining minor first and second degree burn injuries which required no treatment other than burn cream and bandages. In addition to the burn injuries, Plaintiffs claimed significant emotional and psychological injury due to witnessing the crash where the pilot died and witnessing the fire burning their close family members as they were attempting to run away from the crash.

**POTTIER/MOREAU v. UNITED STATES OF AMERICA**  
**CASE NUMBER:** 1:21-CV-01138-AWI-BAM  
UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION