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**Attorneys for Plaintiffs, Lisette Barajas,  
Laura Guzman, Mariana De La Torre,  
and Anabel Samperio**

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

20STCV02116

LISETTE BARAJAS, an individual, LAURA )  
GUZMAN, an individual, MARIANA DE LA )  
TORRE, an individual, and ANABEL )  
SAMPERIO, an individual )  
 )  
 ) Plaintiffs, )  
 )  
 ) vs. )  
 )  
 ) DELTA AIRLINES INC., a corporation )  
 ) or other form of legal entity; and DOES 1 )  
 ) through 100, inclusive, )  
 )  
 ) Defendants. )

CASE NO:  
**COMPLAINT**  
DEMAND FOR JURY TRIAL

**PRELIMINARY FACTUAL STATEMENT**

1. Plaintiffs LISETTE BARAJAS, LAURA GUZMAN, MARIANA DE LA TORRE, and ANABEL SAMPERIO are each individuals who reside in the County of Los Angeles, State of California. The plaintiffs are school teachers employed at Park Avenue Elementary School. On January 14, 2020, they had no reason to think that toxic jet fuel would

1 be dumped on them while they were performing their jobs. On that day, and under the  
2 circumstances alleged hereinafter, a Delta Airlines pilot flying at a relatively low altitude and  
3 through clear skies made the conscious decision to dump massive amounts of toxic jet fuel  
4 onto the plaintiffs, onto the school where they worked, onto the children who were in their  
5 care, and onto the neighborhood below the jet airplane he controlled.

6 2. Plaintiff is informed and believes, and based upon such information and belief  
7 alleges that defendant DELTA AIRLINES, INC.(hereinafter referred to as "Delta") is now and  
8 was at all times relevant herein was a corporation or other form of legal entity doing  
9 substantial business in the County of Los Angeles, State of California.

10 3. The wrongful acts and omissions alleged hereinafter took place in the County of  
11 Los Angeles, State of California.

12 4. The true names, identities or capacities of the defendants sued as DOES 1 through  
13 100, inclusive, are currently unknown to the plaintiffs, who have therefore sued those  
14 defendants by such fictitious names. Plaintiffs are informed and believes, and based upon such  
15 information and belief allege that each of the fictitiously named defendants is an individual,  
16 corporation, partnership, joint venture, association or other form of legal entity that is legally  
17 responsible in some manner for the events and happenings referred to herein, that owned  
18 and/or operated Delta Airlines and/or the aircraft involved in the incident described herein  
19 and/or who employed the pilot who acted as alleged herein and/or that caused the injuries and  
20 damages to the plaintiffs hereinafter alleged. Plaintiffs will seek leave of court to amend this  
21 complaint to show the true names, identities and/or capacities of the fictitiously named  
22 defendants when same have been ascertained.

23 5. Plaintiffs are informed and believe, and based upon such information and  
24 belief allege, that in performing the acts and omissions alleged hereinafter, and otherwise at  
25 all relevant times, each of the defendants was the agent, servant, employee, partner, joint  
26 venturer and/or co-conspirator of each of the remaining defendants, and acted as within the  
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1 course and scope of his authority, employment or conspiracy, or with the ratification,  
2 approval, permission and/or consent of the other defendants.

3 6. Prior to January 14, 2020, Delta and the other defendants knew that jet fuel is a  
4 toxic substance, and that contact with jet fuel is harmful and dangerous to humans. The  
5 Federal Agency for Toxic Substances notes that the health effects of contact with jet fuel can  
6 “include damage to the liver, decreased immune response, impaired performance on  
7 neurological function tests, and impaired hearing. Dermatitis and damage to the skin have also  
8 been observed...”

9 7. By virtue of that knowledge, Delta and the other defendants were at all relevant  
10 times under a duty to properly train and supervise their pilots and personnel with regard to  
11 safe procedures for dumping fuel from aircraft in flight so as to avoid harm to the population  
12 and life on the ground under the aircraft. Likewise, airline pilots, including those employed by  
13 Delta, were under a duty to notify air traffic control personnel of any need or intent to dump  
14 fuel so that the aircraft could be directed to areas that are safer for fuel dumping, and to  
15 control their aircraft to avoid harm to the population and life on the ground under the aircraft.  
16 Among other things, airlines pilots, including those employed by Delta, were under a duty to  
17 avoid dumping jet fuel from aircraft in flight over populated areas, to avoid dumping fuel  
18 unless the aircraft was flying at an altitude of 5000 feet or higher, and/or to avoid dumping  
19 fuel over heavily populated areas, especially when schools were located in those areas.

20 8. January 14, 2020 began as an ordinary workday for the plaintiffs at Park  
21 Avenue Elementary School. Around 11:35 a.m., the plaintiffs escorted students to the school  
22 playground for the school’s usual morning physical education period. The skies were clear,  
23 and there was no reason for the plaintiffs to suspect exposure to any health hazards.

24 9. That morning, a massive Boeing 777-200 flown by Delta Air Lines as Flight  
25 89, took off from Los Angeles International Airport bound for Shanghai, China. Shortly after  
26 takeoff, the pilot declared an in flight emergency and caused the aircraft to fly over the heavily  
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1 populated neighborhood that included Park Avenue Elementary School. Plaintiffs are  
2 informed and believe and based upon such information and belief allege that the engine  
3 problem that caused the pilot of Flight 89 to dump fuel on the plaintiffs as alleged herein was  
4 detected before Flight 89 took off, and should have resulted in a decision for the plane not to  
5 take off at all.

6 10. The Delta pilot notified air traffic control personnel of the need for the aircraft  
7 to return to Los Angeles International Airport, but did not inform air traffic personnel of any  
8 need to dump fuel in order to lighten the plane for landing. In fact, the Delta pilot was  
9 specifically asked by air traffic personnel if there was a need to dump fuel, and the pilot  
10 replied by saying that there was no such need. Had the Delta pilot notified air traffic personnel  
11 of the need to dump fuel, the flight would have been directed to a location and altitude from  
12 which fuel could be released without danger to the plaintiffs and others.

13 11. Without notifying air traffic personnel, without regard for the health and  
14 welfare of the populated areas below, without regard for the fact that the aircraft was only  
15 around 2,000 feet about the ground (which was insufficient altitude to allow fuel to evaporate  
16 or dissipate), without any effort to fly at a higher altitude, without lightening the plane by  
17 flying in an approved holding pattern to burn off fuel at a safe altitude and without any true  
18 necessity, the Delta pilot of Flight 89 caused the plane to release what are believed to be  
19 thousands of pounds of fuel per second over the City of Cudahy and areas under its flight  
20 path. At the time, Flight 89 was flying so low that the fuel it was releasing did not have time  
21 to evaporate or dissipate before hitting the ground below.

22 12. Unaware of the dangers posed by the Delta plane above them, and while  
23 watching children on the playground recess, the plaintiffs were coated with jet fuel dumped  
24 from Flight 89.

25 13. The plaintiffs could feel the fuel on their clothes, flesh, eyes and skin. Fuel  
26 penetrated their mouths and noses as well, producing a lasting and severe irritation, and a  
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1 lasting and noxious taste and smell. The coating of fuel caused them to feel sick, dizzy, and  
2 nauseated. It caused the plaintiffs to experience breathing difficulties and severe discomfort  
3 which required medical treatment. When the plaintiffs understood that exposure to and  
4 ingestion of jet fuel was the cause of their suffering and illness, they also suffered severe  
5 emotional distress from the knowledge that they had involuntarily ingested toxins. Their  
6 severe emotional distress includes the reasonable fear that the exposure to and ingestion of jet  
7 fuel might produce serious health consequences such as cancer in the future.

8 14. As a direct and proximate result of defendants' conduct, the plaintiffs have  
9 suffered and will continue to suffer pain and suffering, and extreme and severe mental anguish  
10 and emotional distress. Plaintiffs are each entitled to general and compensatory damages in an  
11 amount in excess of the jurisdictional minimum of the court and which will be proven at trial.

#### 12 **FIRST CAUSE OF ACTION**

#### 13 **(For Negligence Against all Defendants)**

14 15. By this reference, plaintiff incorporates the allegations of paragraphs 1 through  
15 14, inclusive, hereof as though fully set forth at this point.

16 16. The Delta pilot and personnel who were in charge of Flight 89 negligently (a)  
17 failed to notify air traffic control personnel of any need or intent to dump fuel so that the  
18 aircraft could be directed to areas that are safer for fuel dumping, (b) failed to control the  
19 aircraft during the in flight fuel dump so as to avoid harm to the population and life on the  
20 ground under the aircraft, (c) failed to refrain from dumping fuel until the aircraft reached an  
21 altitude of 5000 feet or higher, (d) failed to refrain from dumping fuel over land, (e) failed to  
22 inform air traffic personnel of any need to dump fuel in order to lighten the plane for landing,  
23 (f) said that there was no need to dump fuel in response to a question from air traffic  
24 personnel about whether there was a need to dump fuel, and (g) otherwise failed to avoid  
25 harm to the plaintiffs in connection with the dumping of fuel from Flight 89. In addition,  
26 plaintiffs believe that the defendants were negligent in allowing Flight 89 to take off at all  
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1 because the engine problem that caused Flight 89 to dump fuel on the plaintiffs was detected  
2 before Flight 89 took off, and in the exercise of reasonable care the defendants should not  
3 have allowed the plane to take off at all.

4 17. In addition, plaintiffs are informed and believe and based upon that  
5 information and belief allege that Delta and the other defendants failed to properly train and/or  
6 supervise pilots, personnel and Flight 89 with regard to safe procedures for dumping fuel  
7 from aircraft in flight so as to avoid harm to the population and life on the ground under the  
8 aircraft.

9 18. At all times material herein, defendants knew, or reasonably should have  
10 known, that the conduct, acts, and failures to act of the defendants, as described hereinabove,  
11 would cause harm to persons on the ground below Flight 89 as it dumped fuel.

12 19. As a direct and proximate result of the above alleged acts and omissions of the  
13 Defendants, the plaintiffs were injured as alleged hereinabove. Plaintiffs are thereby entitled  
14 to general and compensatory damages in an amount which exceeds the jurisdictional  
15 minimum of the court and which will be proven at trial.

16 WHEREFORE, Plaintiffs each pray for judgment against defendants as follows:

17 **AS TO THE FIRST CAUSE OF ACTION:**

- 18 1. That each plaintiff be awarded general and compensatory damages in an  
19 amount according to proof at trial;
- 20 2. For costs of suit; and
- 21 3. That this Court award such other and further relief as the Court deems just and  
22 proper.

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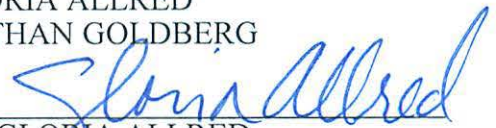
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DATED: January 17, 2020

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GLORIA ALLRED  
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BY:   
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