

BRIEFLY

WRONGFUL TERMINATION — A North American Airlines captain won more than \$12.5 million in a wrongful-termination case from an Alameda County jury.

Randall Otto was flying a Boeing 757 from Hawaii to Oakland on Aug. 12, 2003, when the airplane's nose tilted down so much that Otto, the co-pilot, had to hold the wheel with two hands.

After landing, Otto yelled at mechanics and other personnel who failed to replace an important mechanical part of the plane.

The mechanics told him they'd known about the problem, had been tracking the plane and had ordered the part from New York.

Otto, 51 at the time, was furious that he had not been informed about the mechanical problem and that it hadn't been written up in the log. He complained to his superiors. A month later, he was fired.

He filed for wrongful termination in violation of a public policy in November 2003. *Otto v. North American Airlines*, RG03129400 (Alameda Super Ct., filed Nov. 26, 2003).

The jury found that the airlines, a subsidiary of World Air Holding, fired him in retaliation for whistle-blowing about unsafe and illegal maintenance practices, said lead plaintiffs' attorney Patrick E. Bailey of Bailey & Partners in Santa Monica.

"They were putting profits over safety. ... [They] tried to put a muzzle on Captain Otto's safety complaints by firing him," Bailey said.

The captain had an impeccable safety record. He had worked as a U.S. Air Force pilot with more than 1,000 hours flown in Desert Storm, had worked for North American Airlines for two years and been promoted to captain.

The trial lasted six weeks. The six-man, six-woman jury deliberated for six hours and returned a verdict on Dec. 13 of \$5.58 million.

The next day, the trial resumed over punitive damages. An hour later, the jury returned with a verdict of \$7 million.

Defense attorney James S. Scheper of Seltzer Caplan McMahon Vitek in San Diego could not be reached for comment.

— Peter Zuckerman