

This coming March will mark the third anniversary of the Germanwings Flight 9525 plane crash that killed 144 passengers and six crew members. Investigators concluded that the flight's co-pilot caused the crash—[one of the worst aviation disasters in recent history—by deliberately steering the plane into the French Alps.](#)

Yvonne Selke and her 21-year-old daughter, Emily, were the only two American residents aboard the ill-fated flight. They were travelling together on a European vacation, celebrating Emily's college graduation and spending quality time together, when their lives were tragically cut short.

Raymond Selke, husband to Yvonne and father to Emily, asked our firm to represent his family in a lawsuit against Germanwings and we were honored to accept on behalf of him and his son. In January of 2017, we filed a lawsuit on the Selke family's behalf against Deutsche Lufthansa AG, Germanwings GMBH, Eurowings GMBH and United Airlines (Case No. 1:17-cv-00121 United States District Court, Eastern District of Virginia, Alexandria Division).

The four airlines all share an interconnected relationship either through membership in the Star Alliance or code-sharing or interline agreements. This allowed the Selkes to purchase their plane tickets for all of their European flights on their itinerary through United Airlines.

Lufthansa, Germanwings and Eurowings all moved to dismiss the case via various motions. United filed its own motions.

Going in, we spent over one year researching novel legal theories and conducting our own investigation, independently gathering evidence, as we knew that it would be a difficult battle to secure personal jurisdiction over Germanwings in the State of Virginia (i.e., force Germanwings to appear in a U.S. court) because it is a German company that does not offer flights in the United States. On top of that, the crash occurred in France.

Nevertheless, on July 20, 2017, after extensive briefing by the team at Baum Hedlund and oral argument by Ilyas Akbari, [U.S. District Judge Gerald B. Lee ruled that the case against Germanwings](#) could move forward because the airline "purposely availed itself of Virginia by transacting business in the commonwealth through its agent, United."

"Although Germanwings has no physical presence in Virginia, its ticketing arrangements with United and express authorization of United selling its services to Virginia citizens reflects sufficient purposeful availment of the forum to justify the assertion of personal jurisdiction," Judge Lee said. "Generally, if a defendant has created a 'substantial connection' to the forum, then it has purposefully availed itself of the privilege of conducting business there."

With the string of recent Supreme Court decisions greatly restricting personal jurisdiction (Daimler AG, TC Heartland, BNSF, and Bristol-Myers Squibb), this ruling was a ray of sunshine for the plaintiffs' community and victims all over the world, especially in international plane crash cases. Our case shows that if an American citizen is killed while flying internationally, their family, with the guidance of experienced international aviation counsel, can pursue an action against a foreign airline in the United States.

A. Ilyas Akbari is a partner and Vice President at [Baum, Hedlund, Aristei & Goldman](#). He focuses his practice on commercial transportation accidents resulting in catastrophic injury and wrongful death. Ilyas is listed in the oldest and most highly-respected peer review legal guide, Best Lawyers in America®, and has earned the highest AV® Preeminent™ Peer Review Rating through Martindale Hubbell®; the highest Avvo.com superb score of 10; is annually listed in Southern California Super Lawyers (including 10 consecutive years on the Rising Stars list and named in the top 100 Southern California Rising Stars in the field of Aviation Law).