

II. JURISDICTION

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 in that complete diversity of citizenship exists between Plaintiff and Defendant, and the amount in controversy exceeds the sum of \$75,000.00. This Court also has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 in that this action arises under the Montreal Convention, a treaty of the United States.

III. VENUE

4. Pursuant to 28 U.S.C. § 1391(b), venue is proper in this District because Defendant resides in Tarrant, County which is located in the Northern District of Texas.

IV. OVERVIEW OF THE FACTS

5. On March 2, 2013, decedent Sharon Anne Tallieu was a ticketed passenger aboard American Airlines Flight 865 that departed from Dallas/Fort Worth International Airport and landed in Puerto Vallarta, Mexico.

6. During the flight, Sharon Anne Tallieu suffered from acute respiratory distress. She was unable to breathe.

7. The flight crew who, at all relevant times hereto, were employees of American Airlines acting within the course and scope of their employment, provided Sharon Anne Tallieu with oxygen.

8. Sharon Anne's breathing improved as a result of the oxygen.

9. Joost Tallieu informed the flight crew that his wife, Sharon Anne Tallieu, had a preexisting lung condition that would require medical care when the plane landed and asked the crew to call for an ambulance on the ground.

10. Upon arrival, two airport employees brought a wheelchair to meet Sharon Anne Tallieu at the aircraft. But, upon information and belief, there was no ambulance waiting for Sharon Anne Tallieu as had been requested by Joost Tallieu due to Sharon Anne Tallieu's difficulty breathing and the then current use of oxygen supplied by the flight crew.

11. While disembarking the aircraft and over Joost Tallieu's objection, a member of the flight crew demanded that Sharon Anne Tallieu give up the oxygen supplied earlier by the flight crew that had been keeping her alive.

12. Sharon Anne Tallieu suffered for approximately thirty minutes as a result of intentionally, unexpectedly, and wrongfully being deprived of oxygen by an American Airlines employee.

13. When Sharon Anne Tallieu finally arrived at a facility that could provide her the oxygen she desperately needed, it was too late—Sharon Anne Tallieu was pronounced dead approximately thirty minutes after disembarkment and being deprived of oxygen by the flight crew.

V. CAUSE OF ACTION

WRONGFUL DEATH PURSUANT TO THE MONTREAL CONVENTION

14. Plaintiff incorporates and reurges paragraphs 1–13.

15. While disembarking the aircraft, an Accident within the meaning of Article 17 of the controlling Montreal Convention occurred, in that the American Airlines flight crew:

- (1) dispossessed Sharon Anne Tallieu of the oxygen that was keeping her alive;
- (2) rejected Joost Tallieu's explicit request for oxygen despite knowing that Sharon Anne Tallieu needed the oxygen to breathe and survive; and

- (3) did not ensure that Sharon Anne Tallieu had another source of oxygen before depriving her of the oxygen that was keeping her alive.

16. The flight crew's action of taking the oxygen from Sharon Anne Tallieu and its subsequent failure to provide any assistance to Sharon Anne Tallieu upon her disembarkment was unusual, unexpected, external to Sharon Anne Tallieu, and a link in the chain that led to Sharon Anne Tallieu's death.

17. The conduct of American Airlines and its employees described above was an Accident as it is defined by the Montreal Convention.

18. As a result of the Accident, Sharon Anne Tallieu suffered bodily injury resulting in pain, suffering, and her eventual death. In addition, Joost Tallieu has been deprived of Sharon Anne Tallieu's love, society, affection, guidance, companionship, comfort, care, advice, and marital consortium.

VI. DAMAGES

19. Plaintiff is entitled to 100,000 Special Drawing Rights, as provided in the Montreal Convention; and damages for both economic and non economic loss over and above that, in the amount to be determined by the trier of fact at trial, which amount will be fully due in the event American Airlines cannot show that its actions were totally negligent free.

20. Plaintiff is further entitled to:
 - (a) Wrongful death damages;
 - (b) Survival damages;
 - (c) Loss of consortium damages;
 - (d) Pre-judgment interest, post-judgment interest, attorneys' fees, and costs of suit as allowed by law.

VII. JURY DEMAND

21. Plaintiff requests a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Joost L. Tallieu prays for judgment against Defendant American Airlines for the damages set out above, interest, including pre-judgment interest, and such other and further relief as this Court may deem appropriate.

Date: February 25, 2015

Respectfully submitted,

/s/ G. Sean Jez

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