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May 22, 2000

Honorable
United States District Court for the
Eastern District of Pennsylvania
U.S. Courthouse
601 Market Street - Room #16614
Philadelphia, Pennsylvania 19106-1752

RE: MDL-1040 - In Re Air Crash near
Pittsburgh, Pennsylvania on 9/8/94
Fiantacca v. USAir, Inc., et al.-No. 96-301

Dear Judge

I am in receipt of the tome sent to you by one of my adversaries, . I resent his having communicated with Your Honor unilaterally before discussing any of the issues set forth in his letter with me.

This is Boeing and USAir's attempt to use their incredibly large corporate resources to attempt to snuff out the plaintiff's case. It is a blatant attempt to persuade Your Honor into not holding a full trial on all issues.

Boeing's attempt to stipulate liability is a fraud. They have always wanted to try this case in a vacuum. If Boeing, Parker-Hannefin and USAir wanted to stand-up to the "plate" as real men, and allocute to the elements of negligence to the jury, then this plaintiff's attorney has no objection to that stipulation.

What Boeing is trying to accomplish, is to try a damages only case in an antiseptic bottle so that the jury cannot hear how my client was killed, smashed into the side of a mountain with only his wedding ring to be buried.

This attorney has not folded under the onslaught of these defendants who killed my client and now want this Honorable Court to let them try a death case in a vacuum.

They have made no honorable attempt to settle this case. The case was first mediated before the Honorable [redacted] who suggested a figure of [redacted] to resolve the case. Instead of discussing the case, we were told that they, the defendants, had evaluated the case at [redacted] which figure was later increased to [redacted] and that that was all the money they intended to spend.

I was invited by the defendants to come to Pittsburgh to meet with the United States District Court Magistrate [redacted] who recommended a range of [redacted] to [redacted]. Once again these defendants, refused to even make an offer despite Magistrate [redacted] evaluation.

This case can and should be settled, but the sum that has been offered is less than half of the value of the case. I had always demanded [redacted] but after discussions with Judge [redacted] and Magistrate [redacted] I had agreed that the value of the case was in the area of their independent evaluation.

I am taking this opportunity to enclose our settlement brochure. Defendants, have never even procured a damages expert.

This letter by [redacted] represents the height of corporate arrogance with nothing more than a unmitigated threat that if the case is tried, it will take 2-4 months. This case should only take a maximum of one month to try.

I hope that Your Honor reacts with the same disdain that I did to [redacted] gratuitous, unilateral, preemptive letter in a deliberate attempt to prejudice this Court against a family that has loss their husband, father and grandfather, Charles Fiantaca.

I wish to thank this Court and would be happy to participate in any meaningful discussions to dispose of this case, but I will not be bullied, nor permit my client to be bullied, by these defendants.

Respectfully yours,

Richard J. Weiner

RJW/kr

cc:

Mrs. Fran Fiantaca