

State Bar of Texas
Aviation Law Section
Aviation Law CLE

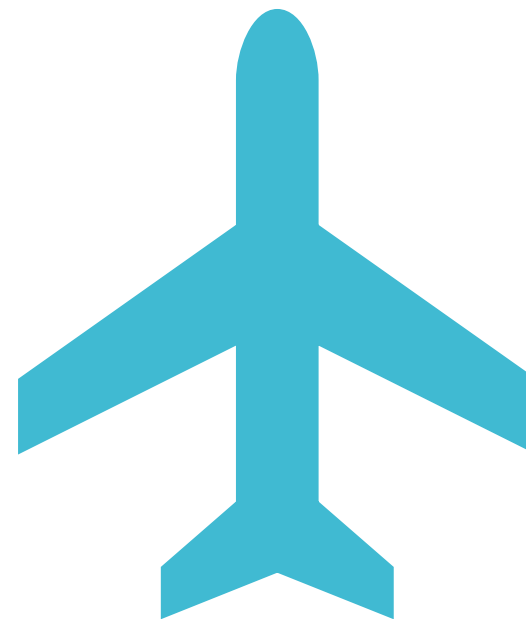


Litigation Support

Matthew Winer
AVX Litigation Support and
Prism Aviation, LLC

Topic:

Expert Testimony &
Litigation Support in
Aviation-related Disputes



Litigation Support

CV Highlights

B.S. Finance Babson College, Wellesley, MA 1994

J.D. Concentration in Commercial Law, Vermont Law School, South Royalton, VT, 2002

Professional Aviation Experience:

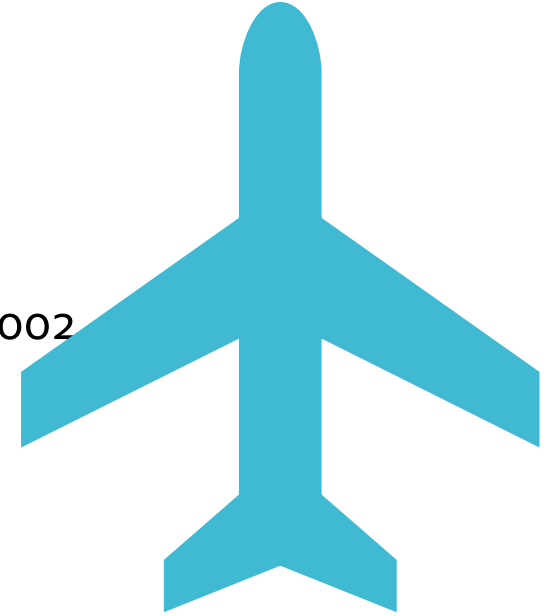
2004/5 Revolution Air on-demand charter brokerage

2006 Prudential Aviation on-demand charter brokerage

2010 Executive Air Services (EAS Charter KOPF) Part 135 charter operator/Wyvern Wingman, ARG/US Platinum, IS-BAO Stage II operator

2012 – 2023 Jet Management Associates (litigation support, aircraft r

2017 – Present AVX Consulting/Litigation Support



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Litigation Case Highlights

Raphael Kolb Et Al Vs. Chemtov Mortgage Group Corp. Et Al, Case No: 2021-11992 CA-43, In the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Complex Business Litigation Division

WESTERN AIR CHARTER, INC., doing business as JET EDGE INTERNATIONAL, a California corporation, Plaintiff, v. PAUL SCHEMBARI, an individual; ACP JET CHARTERS, INC., doing business as PHENIX JET, a Florida Corporation; PHENIX JET LLC, a Guam Limited Liability Company, COSA DI FAMIGLIA HOLDINGS, LLC, a Guam Limited Liability Company, and DOES 1-10, inclusive, Defendants. Case No.: 2:17-cv-00420-JGB-(KSx) Engaged by Plaintiff, Jet Edge International, May 2018 (Deposed) (Testified January 2019)

N111KJ v. Cessna Aircraft Company, In The United States District Court, Southern District of Florida, Palm Beach Division, Case No. 15-CIV 80058/ Middlebrooks/Brannon

MATTHEW TODD WINER Litigation Support and Expert Witness C.V.
Engaged by Defendant Cessna Aircraft Company, April 2017 (Deposed)

Joel Castillo, individually, and as Personal Representative of the Estate of Diana Suriel, deceased vs. Execuflyght, Inc., Rais Group International NC, LLC, Air Charter Service, Inc, Air Charter Service (Florida), Inc., Raquel Cordoves-Marchese, as Personal Representative of the Estate of Renato Marchese, deceased; Camilo Alejandro Chaves Mosquera, as Personal Representative of the Estate of Oscar Chavez Mosquera, deceased, In The Circuit Court of the 17th Judicial Circuit in and For Broward County, Florida, Case #: CACE 16-000968 (08)
Engaged by Defendant Air Charter Service, Through their insurance Provider Allianz Insurance, April 2017 (Deposed)

Signature Group LLC vs. Young Money Entertainment and Dwayne Michael Carter Jr, FL Case #: 132014CA019871000001, Local Case #: 2014-019871-CA-1, Turbine Leasing Intervenor as Plaintiff against Signature Group LLC, In the Circuit Court of the Eleventh Judicial Circuit in and For Miami Dade County, Florida



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Important information regarding non-accident aviation litigation in matters

Daubert rarely used in corporate aviation litigation matters...

can the scientific theory/technique be tested, or has it been?

have the test results been the subject of publication and/or peer review

is there a known potential rate of error

what are the standards that control the operation of the technique and how are they maintained?

is it generally accepted within the scientific community

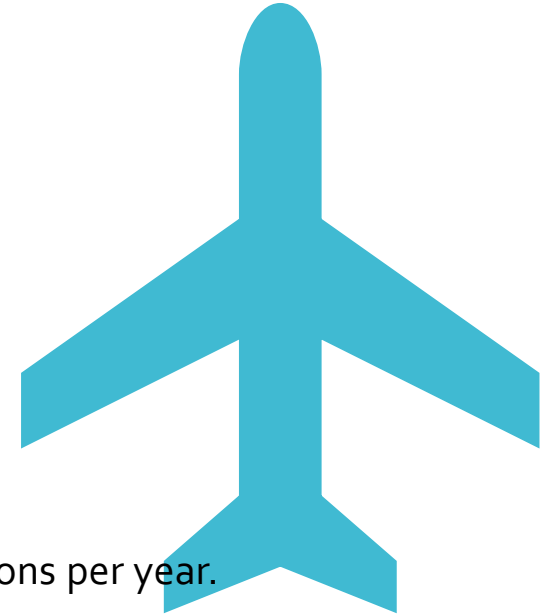
instead, the concept of "Industry Standard" reigns supreme. to qualify as an expert in corporate aviation matters, you must have years of acute, subject matter experience.

Example: if the case subject matter is about an aviation purchase transaction dispute, an aircraft broker won't be qualified to testify as an expert if they have three years of experience and five transactions per year.

Instead, an expert should have +/- 10 yrs and 100+ transactions on their resume.

Example: if the case subject matter is about a maintenance dispute from an owner suing an MRO for negligent repairs, breach of contract, etc..., an expert should:

be an FAA A&P, with at least 10 yrs of maintenance experience, including 10 yrs of wrenching experience on the specific type of aircraft in questions, experience in quality control, experience with the specific work packages in questions, invoicing and industry standard pricing.



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How Do You Know What Type of Aviation-related Expert to Hire?

At the beginning of the case, compile the facts and look at the elements of the case:

Case example:

aircraft accident within 6 months of the purchase of an aircraft...evidence shows:

purchase of aircraft

buyer, seller, maintenance facility broker for seller, maintenance facility broker for the buyer

pre-purchase inspection done by the seller's mx facility at the recommendation of the buyer's broker.

accident investigation showed certain items that contributed to the accident, which had been addressed by the seller's mx MRO, the buyer's mx MRO, and outside mx MRO



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How Do You Know What Type of Aviation-related Expert to Hire?

What are the potential questions?

does your instinct tell you that a pre-buy inspection should be done by the facility that's managed the seller's mx or a different type of facility?

does the remainder of the evidence run counter to what you would think an industry standard aviation transaction should go?

what types of experts should you think of speaking to?

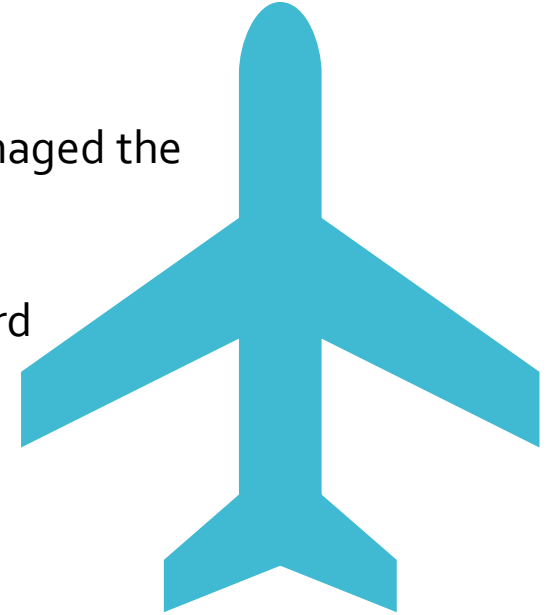
aircraft brokers on both buy/sell side (we typically do buy-side work)

maintenance organizations that do pre-buy inspections

transactional aviation attorneys and or transactional representatives

maintenance technicians that have experience in pre-buy inspections

maintenance technicians that have experience with the specific mx items that contributed to the cause the of accident



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How Do You Know What Type of Aviation-related Expert to Hire?

Ways to Find Aviation Experts:

Contact bar certified aviation attorneys for recommendations:

<https://www.tbls.org/findlawyer-results>

ALM Experts and other expert services

Choose the area you're looking for the expertise in and google the business type and the local airport (ie: Part 135 jet charter companies Dallas Love Field)



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