



## And The Defense Wins

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After a two-week trial in June 2012, a Long Beach jury returned a verdict in favor of the Ritz-Carlton Hotel Company, LLC and Marriott International, Inc., defendants in a multi-million dollar wrongful death case. (*Goldberg v. SkyBlue USA*, NC043469 (L.A. Super. Ct., filed March 18, 2010). DRI members **Alexander Calfo** and **Thomas Borncamp**, partners with **Yukevich, Calfo & Cavanaugh LLP** in Los Angeles, along with two associates, served as lead counsel for the defense.

The case arose out of a plane crash that occurred on Catalina Island, off of the Southern California coast, in February 2009. Marshall Goldberg and Amy Judd were guests of the Ritz-Carlton Laguna Niguel. After expressing interest in a day trip to Catalina Island, Mr. Goldberg utilized the hotel's concierge services to find transportation options to the island. A Ritz-Carlton concierge provided Mr. Goldberg with various transportation options, one of which was a private plane by way of co-defendant SkyBlue USA. Mark Hogland, president and owner of SkyBlue, piloted the plane, despite only having a private pilot's license, rather than the required commercial pilot's license.

After spending the day on the island, the three boarded the plane for their return flight to Orange County, despite worsening weather conditions. Almost immediately after takeoff, Mr. Hogland lost control of the plane and crashed into a mountain, instantly killing everyone on board.

In addition to suing Mr. Hogland and SkyBlue for the accident, the plaintiffs sued the Ritz-Carlton and Marriott International, claiming that the hotels were negligent in failing to evaluate outside vendors, like SkyBlue, prior to recommending them to hotel guests. The plaintiffs argued that the Ritz-Carlton should have vetted SkyBlue to ensure the company was properly licensed and adequately insured. The plaintiffs further argued that the Ritz-Carlton knew SkyBlue was not licensed to conduct destination flights based on a prior email between SkyBlue and a department within the hotel that had utilized SkyBlue's services for scenic air tours just one year prior to the accident.

The jury rendered a verdict in favor of the Ritz-Carlton and Marriott International, finding that the hotels had not acted negligently. The jury awarded a \$5.5 million verdict against Mark Hogland only, finding that Mr. Hogland's piloting errors were the sole cause of the accident.

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