

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO:

TRIAL BY JURY DEMANDED

GIL FERNANDEZ, as proposed personal representative of the ESTATE OF GERARDO ALVAREZ DIAZ, BERENICE AGUILAR HUERTA as wife of GERARDO ALVAREZ DIAZ and as Next Friend of V.A.A and G.A.A, minor children of GERARDO ALVAREZ DIAZ; and GIL FERNANDEZ, as personal representative of the ESTATE OF MARIO ALBERTO LEON, INGRAM YANINA LEON SANCHEZ as wife of MARIO ALBERTO LEON and as Next Friend of A.L.L., minor child of MARIO ALBERTO LEON,

Plaintiffs,

vs.

MED JETS USA, INC d/b/a JET
RESCUE AIR AMBULANCE, a For-
Profit Florida Corporation,

Defendant.

WRONGFUL DEATH COMPLAINT

Plaintiffs, GIL FERNANDEZ, as personal representative of the ESTATE OF GERARDO ALVAREZ DIAZ, BERENICE AGUILAR HUERTA as wife of GERARDO ALVAREZ DIAZ, and as Next Friend of V.A. and G.A., minor children of GERARDO ALVAREZ DIAZ, and GIL FERNANDEZ, as personal representative of the ESTATE OF MARIO ALBERTO LEON, INGRAM YANINA LEON SANCHEZ as wife of MARIO ALBERTO LEON, and as Next

Friend of A.L.L., minor child of MARIO ALBERTO LEON, by and through their undersigned attorneys, sue the Defendant, MED JETS USA, INC d/b/a JET RESCUE AIR AMBULANCE, and alleges as follows:

GENERAL ALLEGATIONS

1. This is an action for wrongful death brought pursuant to the Florida Wrongful Death Act for damages **far in excess** of this Court's minimal jurisdictional limits of fifty thousand dollars (\$50,000.00), exclusive of interest and costs.

2. The Plaintiff, GIL FERNANDEZ, has been or will be duly appointed Personal Representative of the Estate of GERARDO ALVAREZ DIAZ. The Proposed Personal Representative brings this action on behalf of all legal and statutory survivors pursuant to Florida Statute section 768.16 Wrongful Death Act., sections 768.16-768.26, cited as the "Florida Wrongful Death Act."

3. The proposed personal representative, GIL FERNANDEZ, was and is a resident of Palm Beach County, Florida and is otherwise sui juris.

4. Prior to his death, GERARDO ALVAREZ DIAZ, was a resident of Mexico and was otherwise sui juris.

5. As defined by the Florida Wrongful Death Act, the following people are statutory survivors of their beloved husband and father, GERARDO ALVAREZ DIAZ:

- a. BERENICE AGUILAR HUERTA, surviving wife;
- b. V.A.A., surviving minor daughter; and
- c. G.A.A., surviving minor son.

6. The Plaintiff, GIL FERNANDEZ, has been or will be duly appointed Personal Representative of the Estate of MARIO ALBERTO LEON. The Proposed Personal Representative

brings this action on behalf of all legal and statutory survivors pursuant to Florida Statute section 768.16 Wrongful Death Act., sections 768.16-768.26, cited as the “Florida Wrongful Death Act.”

7. The proposed personal representative, GIL FERNANDEZ, was and is a resident of Palm Beach County, Florida, and is otherwise sui juris.

8. Prior to his death, MARIO ALBERTO LEON, was a resident of Mexico City, Mexico and was otherwise sui juris.

9. As defined by the Florida Wrongful Death Act, the following people are statutory survivors of their beloved husband and father, MARIO ALBERTO LEON:

- a. INGRAM YANINA LEON SANCHEZ, surviving wife; and
- b. A.L.L., surviving minor son.

THE DEFENDANT

10. At all times material, Defendant, MED JETS USA, INC d/b/a JET RESCUE AIR AMBULANCE (hereinafter “JET RESCUE”), was and is a for-profit Florida corporation with a principal place of business and corporate headquarters in Palm Beach County, Florida, authorized and engaged in business throughout the State of Florida, including Palm Beach County, Florida.

THE FIERY NOVEMBER 1, 2023 CRASH

11. On November 1, 2023, GERARDO ALVAREZ DIAZ was the air ambulance pilot of a Learjet 35A, registration XA-IRE, (“Subject Plane”), that took off from Toluca, Mexico.

12. The Learjet 35A was a medical transport plane owned and maintained by Defendant JET RESCUE.

13. Besides the pilot, MARIO ALBERTO LEON was a paramedic onboard the Subject Plane.

14. The Subject Plane took off from Toluca-Licenciado Adolfo Lopez Mateos International Airport and attempted to land at Cuernavaca Airport, approximately 103 kilometers away.

15. The Subject Plane crashed during the landing and exploded, killing all four occupants, including GERARDO ALVAREZ DIAZ and MARIO ALBERTO LEON.



16. Defendant JET RESCUE was the owner of the Subject Plane at the time of the crash.

17. Defendant JET RESCUE was responsible for the care and maintenance of the Subject Plane prior to and at the time of the crash.

18. Defendant JET RESCUE was responsible for the airworthiness of the Subject Plane prior to and at the time of the crash, including the braking system and/or other landing system.

19. As a direct and proximate result of Defendant's negligence, the Learjet 35A experienced a failure in the braking system and/or other landing system at the time it attempted to land at Cuernavaca Airport.

20. This failure caused the Subject Plane to travel off the end of the runway and crash into a wooded area:



21. As a result of the crash, the Subject Plane erupted into flames, killing all four occupants of the aircraft, including

- a. GERARDO ALVAREZ DIAZ; and
- b. MARIO ALBERTO LEON.

22. GERARDO ALVAREZ DIAZ was trapped inside the Subject Plane while it was on fire and was pronounced dead on the scene by first responders.

23. MARIO ALBERTO LEON was trapped inside the Subject Plane while it was on fire and was pronounced dead on the scene by first responders.

24. GERARDO ALVAREZ DIAZ is survived by his loving wife, BERENICE AGUILAR HUERTA, and their two children, V.A.A. and G.A.A.

25. MARIO ALBERTO LEON is survived by his loving wife, INGRAM YANINA LEON SANCHEZ, and their son, A.L.L.

COUNT I
ESTATE OF GERARDO ALVAREZ DIAZ
GROSS NEGLIGENCE AGAINST DEFENDANT JET RESCUE

Plaintiff re-alleges paragraphs 1-25 and further states:

26. Defendant JET RESCUE had a duty to act reasonably and use due care in the maintenance and airworthiness of the Subject Plane.

27. Defendant JET RESCUE had a duty to perform regular and routine maintenance of all plane systems including the braking and landing systems in accordance with all manuals, directives, safety bulletins, and maintenance instructions from the manufacturer.

28. Defendant JET RESCUE further had a duty to ensure the airworthiness of the aircraft for all occupants, which included the braking and landing systems of the Subject Plane.

29. Defendant JET RESCUE breached these duties when it recklessly failed to maintain or ensure the proper maintenance of the braking system and/or landing system for the Subject Plane.

30. Defendant JET RESCUE's lack of maintenance was "100% reckless" because an aircraft which is unable to land properly due to a failure in the braking or landing systems will certainly crash.

31. Defendant JET RESCUE “exhibited an indifference to the life and safety” of any person who flew in that aircraft by its failure to properly maintain the Subject Plane and ensure its airworthiness for all occupants.

32. As a direct and proximate result of the gross negligence of Defendant JET RESCUE, GERARDO ALVAREZ DIAZ died when the Subject Plane crashed and erupted into flames.

33. As a result, Plaintiff, GIL FERNANDEZ, as proposed personal representative of the ESTATE OF GERARDO ALVAREZ DIAZ, BERENICE AGUILAR HUERTA as wife of GERARDO ALVAREZ DIAZ and as Next Friend of V.A.A and G.A.A, minor children of GERARDO ALVAREZ DIAZ, are entitled to the following damages:

- a. Each survivor is entitled to recover the value of the future loss of support and services from the date of GERARDO ALVAREZ DIAZ’S death and reduced to present value;
- b. BERENICE AGUILAR HUERTA, as his surviving spouse, is entitled to recover for loss of her husband’s companionship and protection and for mental pain and suffering from the date of injury;
- c. Each surviving child is entitled to recover for lost parental companionship, instruction, and guidance and for mental pain and suffering from the date of injury;
- d. Funeral expenses due to GERARDO ALVAREZ DIAZ’S death; and
- e. Plaintiff is entitled to recover for GERARDO ALVAREZ DIAZ’S estate the following:

- i. Loss of earnings of GERARDO ALVAREZ DIAZ from the date of injury to the date of death, less lost support of survivors excluding contributions in kind, with interest;
- ii. Loss of the prospective net accumulations of an estate, which might reasonably have been expected but for the wrongful death, reduced to present money value; and
- iii. Funeral expenses due to GERARDO ALVAREZ DIAZ'S death that have become a charge against his estate or that were paid by or on behalf of GERARDO ALVAREZ DIAZ.

WHEREFORE, Plaintiff, GIL FERNANDEZ, as personal representative of the ESTATE OF GERARDO ALVAREZ DIAZ and BERENICE AGUILAR HUERTA as wife of GERARDO ALVAREZ DIAZ and Next Friend of V.A.A and G.A.A., demand judgment for damages against Defendant JET RESCUE, plus costs, pre-judgment interest and post-judgment interest, and any other remedy this Court may deem appropriate.

COUNT II
ESTATE OF MARIO ALBERTO LEON
GROSS NEGLIGENCE AGAINST DEFENDANT JET RESCUE

Plaintiff re-alleges paragraphs 1-25 and further states:

34. Defendant JET RESCUE had a duty to act reasonably and use due care in the maintenance and airworthiness of the Subject Plane.

35. Defendant JET RESCUE had a duty to perform regular and routine maintenance of all plane systems including the braking and landing systems in accordance with all manuals, directives, safety bulletins and maintenance instructions from the manufacturer.

36. Defendant JET RESCUE further had a duty to ensure the airworthiness of the Subject Plane for all occupants, which included the braking and landing systems of the Subject Plane.

37. Defendant JET RESCUE breached these duties when it recklessly failed to maintain or ensure the proper maintenance of the braking system and/or landing system for the Subject Plane.

38. Defendant JET RESCUE's lack of maintenance was "100% reckless" because an aircraft which is unable to land properly due to a failure in the braking or landing systems will certainly crash.

39. Defendant JET RESCUE "exhibited an indifference to the life and safety" of any person who flew in the Subject Plane by its failure to properly maintain the Subject Plane and ensure its airworthiness for all occupants.

40. As a direct and proximate result of the gross negligence of Defendant JET RESCUE, MARIO ALBERTO LEON died when the Subject Plane crashed and erupted into flames.

41. As a result, Plaintiff, GIL FERNANDEZ, as proposed personal representative of the ESTATE OF MARIO ALBERTO LEON and INGRAM YANINA LEON SANCHEZ as wife of MARIO ALBERTO LEON and Next Friend of A.L.L., minor child of MARIO ALBERTO LEON, are entitled to the following damages:

- a. Each survivor is entitled to recover the value of the future loss of support and services from the date of MARIO ALBERTO LEON'S death and reduced to present value;

- b. INGRAM YANINA LEON SANCHEZ, as his surviving spouse, is entitled to recover for loss of her husband's companionship and protection and for mental pain and suffering from the date of injury;
- c. Each surviving child is entitled to recover for lost parental companionship, instruction, and guidance and for mental pain and suffering from the date of injury;
- d. Funeral expenses due to MARIO ALBERTO LEON'S death; and
- e. The Plaintiff is entitled to recover for MARIO ALBERTO LEON'S estate the following:
 - i. Loss of earnings of MARIO ALBERTO LEON from the date of injury to the date of death, less lost support of survivors excluding contributions in kind, with interest;
 - ii. Loss of the prospective net accumulations of an estate, which might reasonably have been expected but for the wrongful death, reduced to present money value; and
 - iii. Funeral expenses due to MARIO ALBERTO LEON'S death that have become a charge against his estate or that were paid by or on behalf of MARIO ALBERTO LEON.

WHEREFORE, Plaintiff, GIL FERNANDEZ, as personal representative of the ESTATE OF MARIO ALBERTO LEON and INGRAM YANINA LEON SANCHEZ as wife of MARIO ALBERTO LEON and Next Friend of A.L.L., minor child of MARIO ALBERTO LEON, demand judgment for damages against Defendant JET RESCUE, plus costs, pre-judgment interest and post-judgment interest, and any other remedy this Court may deem appropriate.

COUNT III
ESTATE OF GERARDO ALVAREZ DIAZ
NEGLIGENCE AGAINST DEFENDANT JET RESCUE

Plaintiff re-alleges paragraphs 1-25 and further states:

42. Defendant JET RESCUE had a duty to act reasonably and use due care in the maintenance of the Subject Plane to ensure airworthiness for all crew and passengers.

43. On November 1, 2023, and at all times relevant, Defendant JET RESCUE owed a duty to GERARDO ALVAREZ DIAZ to exercise ordinary care in the ownership, entrustment, operation, maintenance and control of the Subject Plane, so as not cause injury to their persons.

44. On November 1, 2023, Defendant JET RESCUE, individually and/or through its agents, servants, employees, and/or licensees, and each of them, breached their duty of care to GERARDO ALVAREZ DIAZ and Plaintiffs, in one or more of the following particulars:

- a) Negligently and carelessly failed to provide or ensure the provision of updates and supplements to flight manuals, maintenance manuals, airworthiness directives, service bulletins, and other publications and information necessary for the airworthiness and safe operation of the Subject Plane;
- b) Negligently and carelessly maintained the Subject Plane, including the brakes and landing gear necessary to ensure a safe landing of the aircraft;
- c) Negligently and carelessly failed to provide and ensure proper and adequate training and certification of mechanics permitted to perform maintenance, repair and overhaul work on the Subject Plane, the braking system, the landing system, and other component parts of the Subject Plane; and/or
- d) It otherwise negligently and carelessly owned, entrusted, operated and/or controlled the Subject Plane in an unsafe and dangerous manner in particulars to be determined through discovery herein.

45. On November 1, 2023, as a direct and proximate result of the foregoing breach of duty by Defendant JET RESCUE, the Subject Plane was caused to and did experience failure of the braking and/or landing systems, during which the pilots were unable to stop or control the plane during landing, all of which further resulted in the Subject Plane violently crashing past the

runway, causing all persons aboard to suffer fatal injuries, including GERARDO ALVAREZ DIAZ, and causing injury and damages to all Plaintiffs as a result.

46. As a result, Plaintiff, GIL FERNANDEZ, as proposed personal representative of the ESTATE OF GERARDO ALVAREZ DIAZ and BERENICE AGUILAR HUERTA as wife of GERARDO ALVAREZ DIAZ and Next Friend of V.A.A and G.A.A, minor children of GERARDO ALVAREZ DIAZ, are entitled to the following damages:

- a. Each survivor is entitled to recover the value of the future loss of support and services from the date of GERARDO ALVAREZ DIAZ'S death and reduced to present value;
- b. BERENICE AGUILAR HUERTA, as his surviving spouse, is entitled to recover for loss of her husband's companionship and protection and for mental pain and suffering from the date of injury;
- c. Each surviving child is entitled to recover for lost parental companionship, instruction, and guidance and for mental pain and suffering from the date of injury;
- d. Funeral expenses due to GERARDO ALVAREZ DIAZ'S death; and
- e. Plaintiff is entitled to recover for GERARDO ALVAREZ DIAZ'S estate the following:
 - i. Loss of earnings of GERARDO ALVAREZ DIAZ from the date of injury to the date of death, less lost support of survivors excluding contributions in kind, with interest;
 - ii. Loss of the prospective net accumulations of an estate, which might reasonably have been expected but for the wrongful death, reduced to present money value; and

- iii. Funeral expenses due to GERARDO ALVAREZ DIAZ'S death that have become a charge against his estate or that were paid by or on behalf of GERARDO ALVAREZ DIAZ.

WHEREFORE, Plaintiff, GIL FERNANDEZ, as personal representative of the ESTATE OF GERARDO ALVAREZ DIAZ and BERENICE AGUILAR HUERTA as wife of GERARDO ALVAREZ DIAZ and Next Friend of V.A.A and G.A.A., minor children of GERARDO ALVAREZ DIAZ, demand judgment for damages against Defendant JET RESCUE, plus costs, pre-judgment interest and post-judgment interest, and any other remedy this Court may deem appropriate.

COUNT IV
ESTATE OF MARIO ALBERTO LEON
NEGLIGENCE AGAINST DEFENDANT JET RESCUE

Plaintiff re-alleges paragraphs 1-25 and further states:

47. Defendant JET RESCUE had a duty to act reasonably and use due care in the maintenance of the Subject Plane to ensure airworthiness for all crew and passengers.

48. On November 1, 2023, and at all times relevant, Defendant JET RESCUE owed a duty to MARIO ALBERTO LEON to exercise ordinary care in the ownership, entrustment, operation, maintenance and control of the Subject Plane, so as not cause injury to MARIO ALBERTO LEON.

49. On November 1, 2023, Defendant JET RESCUE individually and/or through its agents, servants, employees, and/or licensees, and each of them, breached their duty of care to MARIO ALBERTO LEON, and Plaintiff, in one or more of the following particulars:

- e) Negligently and carelessly failed to provide or ensure the provision of updates and supplements to flight manuals, maintenance manuals, airworthiness directives, service bulletins, and other publications and information necessary for the airworthiness and safe operation of the Subject Plane;

- f) Negligently and carelessly maintained the Subject Plane, including the brakes and landing gear necessary to ensure a safe landing of the aircraft;
- g) Negligently and carelessly failed to provide and ensure proper and adequate training and certification of mechanics permitted to perform maintenance, repair and overhaul work on the Subject Plane, the braking system, the landing system, and other component parts of the Subject Plane; and/or
- h) It otherwise negligently and carelessly owned, entrusted, operated and/or controlled the Subject Plane in an unsafe and dangerous manner in particulars to be determined through discovery herein.

50. On November 1, 2023, as a direct and proximate result of the foregoing breach of duty by Defendant JET RESCUE, the Subject Plane was caused to and did experience failure of the braking and/or landing systems, during which the pilots were unable to stop or control the plane during landing, all of which further resulted in the Subject Plane violently crashing past the runway, causing all persons aboard to suffer fatal injuries, including MARIO ALBERTO LEON, and causing injury and damages to all Plaintiffs as a result.

51. As a result, Plaintiff, GIL FERNANDEZ, as proposed personal representative of the ESTATE OF MARIO ALBERTO LEON and INGRAM YANINA LEON SANCHEZ as wife of MARIO ALBERTO LEON and Next Friend of A.L.L., minor child of MARIO ALBERTO LEON, are entitled to the following damages:

- a. Each survivor is entitled to recover the value of the future loss of support and services from the date of MARIO ALBERTO LEON'S death and reduced to present value;
- b. INGRAM YANINA LEON SANCHEZ, as his surviving spouse, is entitled to recover for loss of her husband's companionship and protection and for mental pain and suffering from the date of injury;

- c. Each surviving child is entitled to recover for lost parental companionship, instruction, and guidance and for mental pain and suffering from the date of injury;
- d. Funeral expenses due to MARIO ALBERTO LEON'S death; and
- e. The Plaintiff is entitled to recover for MARIO ALBERTO LEON'S estate the following:
 - i. Loss of earnings of MARIO ALBERTO LEON from the date of injury to the date of death, less lost support of survivors excluding contributions in kind, with interest;
 - ii. Loss of the prospective net accumulations of an estate, which might reasonably have been expected but for the wrongful death, reduced to present money value; and
 - iii. Funeral expenses due to MARIO ALBERTO LEON'S death that have become a charge against his estate or that were paid by or on behalf of MARIO ALBERTO LEON.

WHEREFORE, Plaintiff, GIL FERNANDEZ, as personal representative of the ESTATE OF MARIO ALBERTO LEON and INGRAM YANINA LEON SANCHEZ as wife of MARIO ALBERTO LEON and Next Friend of A.L.L., minor child of MARIO ALBERTO LEON, demand judgment for damages against Defendant JET RESCUE, plus costs, pre-judgment interest and post-judgment interest, and any other remedy this Court may deem appropriate.

PLAINTIFFS' REQUEST FOR JURY TRIAL

Plaintiffs hereby request a trial by jury on all issues so triable.

Filed this 4th day of February, 2025.

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