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Statement of Gloria Allred

Today we filed a lawsuit against United Airlines on behalf of Monica Amestoy, because of United's failure to protect Monica from an adult male passenger who sat adjacent to her and who exposed his penis and masturbated while both were flying on United's plane.

On October 21, 2012, Monica (who was at the time a minor age 17) boarded United Airlines flight #771 at JFK (in New York City) bound for Los Angeles. She was returning alone from a high school debate tournament in which she participated as a member of her school's debate team.

United Airlines assigned her an aisle seat in the last row of the aircraft. A male whom Monica did not know was sitting directly across the aisle from her seat, separated from her only by the width of the aisle.

After the plane took off, Monica saw to her horror that the unknown male passenger directly across the aisle from her had exposed his penis and was masturbating. That passenger had stationed his airline blanket in a way that concealed his activities from other passengers on one side of him. His conduct was very visible to Monica, however.

As soon as it was practical to do so, Monica reported to a United flight attendant that the male passenger seated across the aisle from her had exposed his penis and was masturbating during the flight. When she reported that information to the flight attendant, Monica was visibly upset.

For a short period of time, the flight attendant stood in the vicinity of the offending passenger but otherwise took no action to either prevent further offensive conduct or to remove Monica from the perpetrator's vicinity. While the flight attendant stood nearby, the male passenger suspended his offensive behavior.

The United flight attendant soon decided to attend to other duties. When he did so, the perpetrator exposed his penis and started to masturbate again.

The United flight attendant and other members of the flight crew failed to speak to the perpetrator about his conduct.

Despite their knowledge, the United flight attendant and crew also failed to return to check on Monica, or to monitor the perpetrator's conduct. As a result, Monica believed that United would do nothing more about her predicament.

Later during the flight, Monica got up to use the restroom. On the way to the restroom, she passed by the same flight attendant to whom she had complained, and the flight attendant asked if the perpetrator was still exposing himself. Monica said that he was. The flight attendant then stated that the perpetrator's conduct was "disgusting" but took no action to relocate Monica to another seat, to prevent the perpetrator from exposing himself or masturbating, or to report the offensive conduct to the flight deck.

As a result of United Airlines' deliberate and reckless disregard for Monica's well-being, Monica was devastated. United's indifference forced her, a minor, to remain adjacent to an individual who spent long stretches of a six-hour flight with his penis exposed and engaged in masturbation within her view. She feared, among other things, that the perpetrator might ejaculate, and cause her to come into offensive contact with his sperm. United's conduct toward Monica was outrageous.

When the flight landed in Los Angeles, United Airlines personnel, including the flight attendant who was repeatedly informed of the perpetrators' sexual misconduct, demonstrated their disregard for Monica's rights and feelings by failing to immediately report what Monica told them to law enforcement authorities.

After the flight landed, Monica, who was extremely traumatized, reported what had happened during the flight to her father. He contacted law enforcement and law enforcement conducted an immediate investigation. As a result of the investigation, the perpetrator was charged with the crimes committed on the flight in question and was convicted.

Although Monica's father complained to United about this incident, Monica and her parents feel that their complaint was not taken seriously and that is why we have filed a lawsuit today for Monica in Los Angeles County Superior Court.

In our lawsuit, we allege negligence, intentional infliction of emotional distress and false imprisonment. We are seeking general compensatory and punitive damages accordingly to proof at trial.

United Airlines claims in its advertisements to be "the world's leading airline and is focused on being the airline customers want to fly".

When Monica boarded that United flight neither she nor her parents expected her to be assigned to sit adjacent to a male passenger who spent long periods of time masturbating and exposing his penis to her during the flight. Even if United did not know this would happen, United certainly should have taken appropriate action to protect Monica once she reported the criminal conduct engaged in by the male passenger. They failed to do so.

We have filed this lawsuit and are speaking out because we want United to have a clear policy that they implement to protect victim passengers in the future and to make sure that those who engage in sexual misconduct on their airline are reported to law enforcement before the offender leaves the plane.

This lawsuit is not just about asserting Monica's rights. It is about protecting all passengers from this kind of victimization in the future.

Monica's parents and I are very proud of Monica for speaking out. Although she is only 18 years old now, we commend her for standing up for what is right to protect others in the future.

Gloria Allred
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Representing Monica Amestoy
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