

Spirit Airlines claims to be “the leading ultra low cost carrier” for the “leisure traveler.” When my clients boarded an early morning flight on March 9, 2016 to Los Angeles, they were expecting a tranquil six-hour plane ride to their vacation destination. To their dismay, however, they were seated behind three female passengers who, thanks to Spirit Airlines’ decision to allow them to consume excessive amounts of alcohol, became highly intoxicated and emboldened to behave in a rowdy and rambunctious manner.

During the flight, these passengers blared loud music from a Blue tooth speaker for hours, sang loudly, standing and dancing to the music. A female flight attendant continued to serve these passengers additional rounds of alcoholic beverages despite these passengers’ clearly intoxicated state and disruptive and rowdy behavior. Spirit Airlines failed to take meaningful action to monitor and/or control these passengers, and worse, continued to serve these passengers alcoholic beverages. The same flight attendant conversed with these passengers and encouraged their behavior by laughing with them and dancing to the music blaring from the speaker.

When finally asked, hours later, to lower the volume of their music, the three female passengers did so for a few minutes, but then increased the volume of their music loudly while repeatedly yelling, “What are they going to do?”

A few minutes before the plane landed at LAX, the female flight attendant who had earlier encouraged these rowdy passengers returned and provided them with additional rounds of alcoholic beverages despite these passengers’ intoxicated state and aggressive behavior. She did not request that these passengers turn down their music or cease their disruptive and aggressive behavior.

Spirit Airlines’ failure to monitor or control these three intoxicated female passengers emboldened these passengers to behave in an increasingly aggressive and rowdy manner with a disregard for the rights and safety of other passengers. It was reasonably foreseeable that these three female intoxicated passengers would threaten, attack and/or assault another passenger.

After landing at LAX, the three female passengers, fueled by alcohol furnished by Spirit Airlines, and emboldened by Spirit Airlines’ indifference, began to yell racial remarks such as, “Fuck white people!” “You don’t like our music?” “What are these fucking people going to do?”

My clients were offended by these racial remarks. Ms. Fonda-Thomas politely informed them that their language was inappropriate in front of children. Unprovoked, one of the intoxicated female passengers stood up, turned around, and began to batter and assault Ms. Fonda-Thomas. Another one of the intoxicated passengers also began to attack Ms. Fonda-Thomas. Ms. Diodato and Ms. Zampella became involved because they were trying to free their friend from the attack and as a result, they were also assaulted and suffered physical injuries. It was not a mutual combat situation as some have described in prior reports.

When my clients were escorted off the plane by law enforcement, they immediately reported what happened to a Spirit Airlines representative, but that representative took no action to assist them.

As a result of these events, we have filed a lawsuit against Spirit Airlines for their negligence and for the intentional infliction of emotional distress inflicted on my clients.

Our lawsuit was filed this morning in Los Angeles County Superior Court in Los Angeles, California. We are seeking general, compensatory and punitive damages according to proof at trial.

We believe a very important legal principle is illustrated by what happened on this flight. An airline which is a common carrier owes its passengers the highest duty of care. While the airline may serve alcohol, we allege that they have a duty to cease serving it to passengers who appear by their behavior to be intoxicated. Further, an airline has a duty to train its personnel to monitor and control passengers who do become intoxicated during the flight. This duty arises because an airline has a duty to avoid harm to both the intoxicated passenger and to other passengers on whom harm may be inflicted as a result of the behavior of an intoxicated passenger. In short, an airline has a duty to protect all of its passengers and to get them safely to their destination. When that duty is breached as we allege that it was in this case it is foreseeable that one or more passengers may be harmed.

We are proud of the courage of our clients who have come forward. They have been unfairly characterized and maligned in the media as a result of only part of this incident being viewed in this video that was broadcast. What caused the incident was never shown.

Our clients were victims in this attack, and were harmed as a result of too much alcohol being served to those who assaulted them.

We are looking forward to litigating this case and having the entire truth told in a court of law.

Gloria Allred
Attorney at Law
April 7, 2016
Representing

Lisa Zampella, Danielle Fonda-Thomas, and Tykisha Diodato