

British Airways Luggage Lawsuit Expands

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Seattle-based law firm Hagens Berman Sobol Shapiro (HBSS) today filed an amended complaint against British Air (NQB: BAIRY), expanding its allegations that the airline giant acted recklessly when it lost more than one million items of passenger baggage over the past year, and should reimburse passengers for actual losses.

The original proposed class-action suit filed on September 5, 2007 is expanding to include 10 additional named-plaintiffs and cites further details of the airline's record for delayed, damaged and permanently lost luggage.

According to the suit, filed in Federal court in Seattle, British Air loses 23 bags per 1,000 passengers carried, about 60 percent more than the industry average and twice as bad as the worst U.S. carrier.

"Since the complaint was filed in September, we have been inundated with calls and e-mails from passengers who experienced horrific treatment by British Air, in the way the airline dealt with baggage, and how they dealt with passengers searching for luggage," said Steve Berman, managing partner of the firm.

Aside from additional plaintiffs, the amended complaint includes newly discovered statements and documents by British Air insiders acknowledging the breakdown in baggage handling.

The suit also claims that despite an April 2007 report that the airline's baggage handling system was overloaded by nearly 25 percent, British Air failed to alert passengers to the increasing complications posed by their flawed system.

Additional reports indicate that the airline's backlog of mishandled passenger baggage reached 20,000 pieces by March 2007, the complaint states. The amended complaint goes on to cite that British Air workers claim that in reality the backlog neared 40,000 bags at that time.

Among the new plaintiffs is Laura Hutchinson, a student attending the University of Washington and among the thousands of British Air passengers who have not seen their luggage since checking it upon departure.

In June 2007, Hutchinson set off for Paris where she would participate in a two-month study-abroad program. Her luggage contained many crucial study materials, two months worth of clothing and other necessary travel accessories.

According to the amended complaint, when Hutchinson discovered her baggage was missing, British Air directed her to continue to her dormitory and that her bags would reach her the next day. Despite the airline's promises and several failed attempts to locate its whereabouts, the luggage never arrived and Hutchinson has yet to be fully compensated for her losses.

Cindy Kerr experienced similar, if not more, frustration upon traveling to Nairobi, Africa on business in June 2007. As chief marketing officer for a non-governmental organization that helps to provide irrigation equipment for underdeveloped parts of Africa, Kerr's luggage contained important business materials and all of her personal items necessary for a six-week trip to rural parts of Africa.

According to the amended complaint, after Kerr was informed that her baggage was missing, British Air officials directed her to return to the airport in Nairobi on at least four separate occasions so she could personally search for her bags amid piles of other unclaimed bags. Each trip proved fruitless and finally, Kerr was informed that her bag had "disappeared" from the airline's tracking system.

The suit seeks to recover actual losses incurred by travelers who had luggage lost, delayed or damaged. According to the suit, the Montreal Convention waives the \$1,500 loss limit when the carrier is reckless and has knowledge that damage will probably result to travelers.

The amended complaint claims British Airways is liable under the terms of the Montreal Convention, which governs how airlines handle passenger baggage. The Convention, to which the United States and 124 other countries are signatories, also provides means by which airlines can be held legally and financially liable for damages sustained in cases of destruction, damage to, or temporary or complete loss of checked baggage.

The suit seeks to represent American international British Air travelers who had luggage lost or damaged or delayed between September 5, 2005 and September 5, 2007.

More information can be found on this case at <http://www.hbsslaw.com/bab.htm>.

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