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ATTORNEYS FOR PLAINTIFF

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ELLEN MARIANI, as administrator of the
estate of LOUIS NEIL MARIANI, deceased,

Plaintiff,

v.

UNITED AIR LINES, INC., a corporation

Defendant.

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: No. 01 CV

1162

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Judge Alvin K. Hellerstein

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COMPLAINT

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NOW COMES the plaintiff, ELLEN MARIANI, as administrator of the estate of LOUIS

NEIL MARIANI, deceased, and complaining against the defendant, UNITED AIR LINES, INC., a corporation, states as follows:

GENERAL ALLEGATIONS

1. This is an action for damages arising from the injuries to and death of LOUIS NEIL MARIANI, caused by the hijacking of United Airlines Flight 175 and its subsequent collision into the World Trade Center in New York City on September 11, 2001.

2. At a minimum, jurisdiction is proper in this District due to diversity of citizenship under 28 U.S.C. §1332, and venue is proper in this District under 28 U.S.C. §1391(a) in that the plaintiff, ELLEN MARIANI, as administrator of the estate of LOUIS NEIL MARIANI, deceased, is a citizen of the State of New Hampshire residing at 12 Grove Street, Derry, New Hampshire and the defendant, UNITED AIR LINES, INC., is a corporation organized under the laws of the State of Illinois with a principal place of business at World Headquarters, P.O. Box 66100, Chicago, Illinois. The amount in controversy exceeds \$75,000, exclusive of interest and costs.

COUNT I WRONGFUL DEATH

1. On September 11, 2001, and for some time prior thereto, the defendant, UNITED AIR LINES, INC., was a corporation duly certified as a commercial air carrier under 49 C.F.R. Part 121, and engaged in the business of carrying passengers for hire in interstate commerce.

2. On said date, the defendant, UNITED AIR LINES, INC., operated a certain Boeing 767 aircraft as United Airlines Flight 175 from Boston Logan International Airport to

Los Angeles International Airport.

3. That on said date, plaintiff's decedent, LOUIS NEIL MARIANI, was a fare-paying passenger aboard the aircraft operated as United Airlines Flight 175.

4. On the aforesaid date, it was the duty of the defendant, UNITED AIR LINES, INC., by and through its agents, servants or employees, to exercise the highest degree of care for the safety and security of the passengers aboard United Airlines Flight 175, including plaintiff's decedent, LOUIS NEIL MARIANI.

5. That notwithstanding the aforesaid duty, defendant, UNITED AIR LINES, INC., breached its duty of care for the safety and security of the passengers of United Airlines Flight 175, including the plaintiff's decedent, LOUIS NEIL MARIANI.

6. As a direct and proximate result of the breach of duty committed by the defendant, UNITED AIR LINES, INC., the aircraft operated as United Flight 175 was hijacked and thereafter flown into Tower No. 2 of the World Trade Center in New York City, New York.

7. As a result of the aforesaid hijacking and subsequent collision with the World Trade Center tower, plaintiff's decedent, LOUIS NEIL MARIANI, suffered severe fright and terror, and further sustained property damage and physical injuries ultimately resulting in his death.

8. That at the time of his death, plaintiff's decedent, LOUIS NEIL MARIANI, left surviving his wife and children for whose benefit this action is being brought.

9. That by reason of the premises, the decedent's wife and children have sustained

substantial non-economic damages including loss of society, loss of love and affection, loss of companionship, grief, sorrow, pain and anguish; substantial economic damages including loss of support, loss of goods, and loss of services; and have otherwise been damaged in a personal and pecuniary nature.

10. That ELLEN MARIANI is or shall be the duly appointed administrator of the estate of LOUIS NEIL MARIANI, deceased.

WHEREFORE, the plaintiff, ELLEN MARIANI, as administrator of the estate of LOUIS NEIL MARIANI, deceased, prays for judgment against the defendant, UNITED AIR LINES, INC., a corporation, in a sum in excess of seventy-five thousand dollars (\$75,000.00) commensurate with the proof of damages in this case, together with pre-judgment interest and costs of this action.

COUNT II SURVIVAL ACTION

1-7. Plaintiff hereby adopts and alleges paragraphs 1 through 7, inclusive, of Count I as and for paragraphs 1 through 7, inclusive, of Count II.

8. That had the decedent survived he would have been entitled to bring an action for damages, and such action has survived his death.

9. That ELLEN MARIANI is or shall be the duly appointed administrator of the estate of LOUIS NEIL MARIANI, deceased.

WHEREFORE, the plaintiff, ELLEN MARIANI, as administrator of the estate of LOUIS NEIL MARIANI, deceased, prays for judgment against the defendant, UNITED AIR LINES,

INC., a corporation, in a sum in excess of seventy-five thousand dollars (\$75,000.00) commensurate with the proof of damages in this case, together with pre-judgment interest and costs of this action.

JURY DEMAND

Plaintiff hereby demands a trial by jury on her complaint in the above-entitled action.

Dated: December 20, 2001

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