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SOUTHERN DISTRICT OF CALIFORNIA

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11 UNITED STATES DISTRICT COURT

12 SOUTHERN DISTRICT OF CALIFORNIA

13 DON YOON, an individual, and as
Successor in Interest of DECEDENTS
14 YOUNGMI LEE YOON, GRACE
YOON, and RACHEL YOON;
15 SANGHYUN LEE, an individual, and
as Successor in Interest of DECEDENT
16 SEOKIM KIM; YUMI LEE, an
individual; BAEKGWAN LEE, an
17 individual; JUN HWA LEE, an
individual; and YANGRAE KOOK, an
18 individual;

19 Plaintiffs,

20 v.

21 UNITED STATES; THE BOEING
COMPANY, a corporation; and DOES
1-50;

22 Defendants.

Case No.

10 CV 1578 JM

AJB

COMPLAINT

- 1. NEGLIGENCE (ADMIRALTY) BY FAX
- 2. NEGLIGENCE (ITCA)
- 3. STRICT PRODUCT LIABILITY (IN LAW)
- 4. NEGLIGENCE PRODUCT LIABILITY (IN LAW)
- 5. BREACH OF IMPLIED AND EXPRESS WARRANTIES (IN LAW)

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25 INTRODUCTION

26 1. On December 8, 2008, four of Plaintiffs' loved ones -- a newborn, a
27 toddler, their mother and their grandmother -- were burned alive and perished in the
28 Yoon Family home in University City, San Diego, California when a disabled, out-

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15 **UNITED STATES DISTRICT COURT**
16 **SOUTHERN DISTRICT OF CALIFORNIA**

17 DON YOON, an individual, and as
18 Successor in Interest of DECEDENTS
19 YOUNGMI LEE YOON, GRACE
20 YOON, and RACHEL YOON;
21 SANGHYUN LEE, an individual, and
22 as Successor in Interest of DECEDENT
23 SEOKIM KIM; YUMI LEE, an
24 individual; BAEKGWAN LEE, an
25 individual; JUN HWA LEE, an
26 individual; and YANGRAE KOOK, an
27 individual;

28 Plaintiffs,

v.

29 UNITED STATES; THE BOEING
30 COMPANY, a corporation; and DOES
31 1-50;

32 Defendants.

Case No.

COMPLAINT

1. **NEGLIGENCE (ADMIRALTY)**
2. **NEGLIGENCE (FTCA)**
3. **STRICT PRODUCT LIABILITY (IN LAW)**
4. **NEGLIGENCE PRODUCT LIABILITY (IN LAW)**
5. **BREACH OF IMPLIED AND EXPRESS WARRANTIES (IN LAW)**

33 **INTRODUCTION**

34 1. On December 8, 2008, four of Plaintiffs' loved ones -- a newborn, a
35 toddler, their mother and their grandmother -- were burned alive and perished in the
36 Yoon Family home in University City, San Diego, California when a disabled, out-

1 of-control F/A-18D Hornet Marine Corps jet (Subject Aircraft), crashed into their
2 home and set it on fire, after the jet's student pilot had ejected on a flight path
3 known to the UNITED STATES to be a public safety hazard for approximately 30
4 years.

5 2. The jet had a history of warnings and system failures known to the
6 Defendant UNITED STATES, and the jet's manufacturer, Defendant THE BOEING
7 COMPANY (hereinafter BOEING) (a legal successor to McDonnell Douglas), but it
8 was nonetheless cleared for takeoff from the Navy Carrier Abraham Lincoln
9 (Subject Vessel) for use by a sole Marine Corps student pilot, all in violation of
10 written policies, regulations and procedures.

11 3. In the ensuing flight over the Pacific high seas and over U.S. territorial
12 water and land, the student pilot, along with his sea-based and land-based superiors,
13 encountered a series of similar warnings and system failures, all requiring
14 emergency action.

15 4. Unfortunately, their attempts to address these avoidable emergencies
16 resulted in further acts and omissions done in violation of written military standards,
17 which if complied with would have avoided the tragic ending for Plaintiffs DON
18 (DONG YUN) YOON (hereinafter YOON); SANGHYUN (SANGHYEON) LEE
19 (hereinafter LEE); YUMI LEE; BAEKGWAN (BACKKWAN) LEE; and JUN
20 HWA LEE (the latter three Plaintiffs hereinafter "LEE CHILDREN"); YANGRAE
21 (DONGRAE) KOOK (hereinafter KOOK), and their loved ones, Decedents
22 YOUNGMI LEE YOON, GRACE YOON, RACHEL YOON and SEOKIM KIM.

23
24 **JURISDICTION AND VENUE**

25 5. This Court's jurisdiction over claims against the UNITED STATES
26 arises under the Federal Question Statute, 28 U.S.C. Section 1331; Federal Tort
27 Claims Act (FTCA), 28 U.S.C. Sections 1346(b)(1), 2671-2680; Admiralty
28 Jurisdiction statute, 28 U.S.C. Section 1333; and General Maritime Law statute, 46

1 U.S.C. 30903(a), all construed and in conjunction with the Suits in Admiralty Act,
2 46 U.S.C. App. Sections 741-52, the Extension of Admiralty and Maritime
3 Jurisdiction Act, 46 U.S.C. Section 30101, the Death on the High Seas Act, 46
4 U.S.C. Section 761-68, the Jones Act, 46 U.S.C. App. Section 688, the Public
5 Vessels Act, 46 U.S.C. App. Section 781, the Federal Employers Liability Act, 45
6 U.S.C. Sections 51-60, and the Outer Continental Shelf Liability Act (OCSLA), 43
7 U.S.C. App. 1331 et seq.

8 6. Plaintiffs YOON, LEE and LEE CHILDREN individually filed
9 Administrative Claims for wrongful death and (as to Plaintiffs YOON and LEE)
10 property damage on May 15, 2009, as well as a clarification letter on March 19,
11 2010 with the Navy that their claims were made under admiralty as well as FTCA
12 jurisdiction. The Navy denied their claims in a letter dated March 30, 2010.
13 Although Plaintiffs read this March 30, 2010 denial to include admiralty claims as
14 well as FTCA claims, it could not be determined if the Navy agreed. So out of an
15 abundance of caution, the same Plaintiffs filed their second Administrative Claims
16 with the Navy on April 22, 2010 in admiralty. The Navy denied Plaintiffs' Second
17 Administrative Claims (in admiralty) in a letter dated April 29, 2010, and clarified
18 in that denial that the March 30, 2010 denial had been a denial of their first claims in
19 admiralty, with the Navy contending that jurisdiction exists solely under the FTCA.

20 7. On April 26, 2010, Plaintiff KOOK filed her Administrative Claims for
21 wrongful death under FTCA and admiralty jurisdiction with the Navy. Plaintiff
22 KOOK's admiralty claim was denied in a letter dated June 7, 2010; her FTCA claim
23 was denied in a letter dated July 20, 2010.

24 8. On May 6, 2010, Plaintiff YOON as Successor in Interest of Decedents
25 YOUNGMI LEE YOON, GRACE YOON, and RACHEL YOON, and Plaintiff
26 LEE as Successor in Interest of Decedent SEOKIM KIM, filed personal injury
27 claims under the FTCA and admiralty jurisdiction with the Navy. Successors'
28 FTCA claims were denied in a letter dated May 27, 2010; their admiralty claims

1 were denied in a letter dated June 7, 2010.

2 9. Plaintiffs' Administrative Claims have been perfected under FTCA and
3 admiralty jurisdiction, to the extent such perfection is required.

4 10. Accordingly, Plaintiffs have standing to sue the UNITED STATES in
5 admiralty and in law (FTCA).

6 11. This Court's jurisdiction over causes of action against Defendant
7 BOEING are proper under 28 U.S.C. Section 1367, as construed with the Savings to
8 Suits Clause of the Admiralty jurisdiction statute, 28 U.S.C. Section 1333(1), the
9 former of which provides for supplemental jurisdiction for those claims reasonably
10 related to the same case and controversy as claims described in Paragraph Five
11 which establish original jurisdiction (as described in Paragraph Five); as well as
12 under 28 U.S.C. Section 1332, diversity jurisdiction, as the amount in controversy
13 here exceeds the sum or value of \$75,000 and the action here is between citizens of
14 different states, per §1332(1), or alternatively between citizens of different states
15 and a citizen of a foreign state, per §1332(3). Plaintiff YOON is a citizen of the
16 State of California; Plaintiffs LEE, LEE CHILDREN and KOOK are citizens of the
17 Republic of Korea (South Korea); and Defendant BOEING is incorporated in the
18 State of Delaware and has its principal place of business and is headquartered in the
19 State of Illinois.

20 12. Venue is proper in this district pursuant to 28 U.S.C. Section 1402(b)
21 and 46 U.S.C. Section 30906 because it is the federal district in which at least one
22 plaintiff, Plaintiff YOON, resides, a substantial part of the property that is the
23 subject of this action is situated within this judicial district, and a substantial part of
24 the events or omissions giving rise to these claims.

25
26 **PARTIES AND STANDING**

27 13. Plaintiff YOON is a United States citizen, a citizen and resident of the
28 State of California, and is the husband of Decedent YOUNGMI LEE YOON, and

1 the father of Decedents GRACE YOON and RACHEL YOON, and therefore he has
2 standing to assert his wrongful death claims pursuant to California Code of Civil
3 Procedure Section 377.60(a). See true and correct copies of the Declarations of
4 YOON attached to this Complaint as Exhibits 1, 2 and 3.

5 14. Plaintiff LEE is a citizen and resident of South Korea, and the husband
6 of Decedent SEOKIM KIM, and therefore he has standing to assert his wrongful
7 death claims pursuant to California Code of Civil Procedure Section 377.60(a). See
8 true and correct copy of the Declaration of LEE attached to this Complaint as
9 Exhibit 4.

10 15. Plaintiff LEE is a citizen and resident of South Korea, and the father of
11 Decedent YOUNGMI LEE YOON, and therefore he has standing to assert his
12 wrongful death claims pursuant to California Code of Civil Procedure Section
13 377.60(a).

14 16. Plaintiffs LEE CHILDREN are citizens and residents of South Korea,
15 are the surviving children of Decedent SEOKIM KIM, and therefore they have
16 standing to assert their wrongful death claims pursuant to California Code of Civil
17 Procedure Section 377.60(a).

18 17. Plaintiff KOOK is a citizen and resident of South Korea. She is the
19 surviving mother of Decedent SEOKIM KIM, was dependent upon her daughter for
20 the necessities of life, and therefore she has standing to assert her wrongful death
21 claim pursuant to California Code of Civil Procedure Section 377.60(b).

22 18. Plaintiff YOON as Successor in Interest of Decedents YOUNGMI LEE
23 YOON, GRACE YOON, and RACHEL YOON, is a citizen and resident of the
24 United States, and has standing under California Code of Civil Procedure Sections
25 377.11 et seq. to assert the personal injury claims of his Decedents pursuant to his
26 attached declarations, Exhibits 1, 2, and 3.

27 19. Plaintiff LEE as Successor in Interest of Decedent SEOKIM KIM is a
28 citizen and resident of South Korea, and has standing under California Code of Civil

1 Procedure Section 377.11 to assert a personal claim of his Decedent pursuant to his
2 attached declaration, Exhibit 4.

3 20. Plaintiffs are informed, believe, and thereupon allege, that Defendant
4 UNITED STATES is the owner and operator of the Subject Aircraft and Subject
5 Vessel, which were under the immediate jurisdiction of the United States Navy.

6 21. Plaintiffs are informed, believe, and thereupon allege, that Defendant
7 UNITED STATES is the employer of the student pilot of the Subject Aircraft, both
8 of which were under the immediate jurisdiction of the United States Navy.

9 22. Plaintiffs are informed, believe, and thereupon allege, that Defendant
10 UNITED STATES is the employer of the ground crew, sea-support and land-
11 support squadrons, maintenance crews, support staffs and superiors in control of the
12 Subject Aircraft, which were under the immediate jurisdiction of the United States
13 Navy.

14 23. Plaintiffs are informed, believe, and thereupon allege, that Defendant
15 UNITED STATES is the owner/operator of the Subject Vessel from which the
16 Subject Aircraft departed.

17 24. Plaintiffs are informed, believe, and thereupon allege, that Defendant
18 UNITED STATES is the owner/operator of all the destinations to which the student
19 pilot was en route, or came to be en route.

20 25. Plaintiffs are informed, believe, and thereupon allege, that Defendant
21 BOEING is, and at all times herein relevant was, the designer, assembler,
22 manufacturer, inspector, tester, marketer and supplier of the Subject Aircraft and its
23 component parts, including all operation manuals, maintenance manuals, and
24 warnings.

25 26. Plaintiffs are informed, believe, and thereupon allege, that Defendant
26 BOEING, is, and at all times herein relevant was, a corporation authorized to do, has
27 regularly done, and is continually and systematically doing business in the County
28 of San Diego, State of California.

1 those policies and procedures in order to monitor and maintain the safety of its
2 military aircraft, including the Subject Aircraft. These mandatory policies and
3 procedures included prescribed steps for addressing any mechanical and/or safety
4 issues identified by the maintenance procedures.

5 32. Plaintiffs are informed, believe, and thereupon allege that prior to and
6 during the Subject Incident, defects in the Subject Aircraft and its component parts,
7 including but not limited to the engines, fuel systems, oil systems, and warning/alert
8 systems had repeatedly created system failure problems on the Subject Aircraft that
9 were known and recorded by Defendant UNITED STATES and its employees.
10 Rather than following the mandated and required maintenance and safety policies,
11 regulations and procedures, the required policies, regulations and procedures were
12 recklessly ignored or abandoned. As a result, the defective Subject Aircraft was
13 negligently and recklessly cleared for use by employees of Defendant UNITED
14 STATES and allowed to be flown for training purposes by the student pilot who was
15 still undergoing training as part of the course and scope of his employment for
16 Defendant UNITED STATES, all within the immediate jurisdiction of the United
17 States Navy.

18 33. Plaintiffs are informed, believe, and thereupon allege that on December
19 8, 2008, the USS Abraham Lincoln (Subject Vessel), also owned and operated by
20 Defendant UNITED STATES, while on navigable waters on the high seas, launched
21 the Subject Aircraft for the purposes of further training of the student pilot, all
22 employed under the immediate jurisdiction of the United States Navy. The Subject
23 Aircraft overflew Pacific Ocean high seas off the coast of western Mexico and
24 California, overflew U.S. territorial waters, and overflew U.S. territory (California).
25 The student pilot was conducting his flight training exercises when, predictably, he
26 encountered the mechanical problems that had previously been reported and
27 ignored, and so he, along with his ground-based flight crews and land-based and
28 sea-based squadrons attempted to address the emergency situation. In so doing, the

1 student pilot and his flight squadrons negligently and recklessly abandoned and
2 ignored the required and mandated policies, regulations and procedures developed
3 and prescribed by Defendant UNITED STATES for these emergencies. These
4 negligent acts and omissions, characterized by the Marine Corps itself as “bad
5 decision making” based upon “incorrect assumptions,” ultimately resulted in the
6 pilot ejecting from and abandoning the defective aircraft over a heavily populated
7 residential neighborhood, known to be in a high-risk flight path from a published
8 study published known to the UNITED STATES approximately 30 years before.
9 Tragically, the unpiloted and out-of-control Subject Aircraft then crashed into the
10 Yoon Family home at 4416 Cather Avenue, San Diego, California, 92122. Upon
11 crashing, the Subject Aircraft, heavily loaded with highly flammable fuel, burst into
12 flames, killing Plaintiff’s four loved ones inside their home after burning them alive,
13 and destroying their home and belongings.

14 34. Plaintiffs are informed, believe, and thereupon allege that the crash and
15 fire caused personal injuries and property damage to the decedent for a discernible
16 period before death, and the ultimate death of Plaintiff YOON’s wife, Decedent
17 YOUNGMI LEE YOON, age 36, daughter of Plaintiff LEE, granddaughter of
18 Plaintiff KOOK, and sibling of Plaintiffs LEE CHILDREN. See true and correct
19 copy of Certificate of Death attached to this Complaint as Exhibit 5.

20 35. Plaintiffs are informed, believe, and thereupon allege that the crash and
21 fire also caused personal injuries and property damage to the decedents for a
22 discernible period before death, and the ultimate deaths of Plaintiff YOON’s
23 daughters, Decedents GRACE YOON, 15 months old, and RACHEL YOON,
24 almost 2 months old, grandchildren of Plaintiff LEE, nieces of Plaintiffs LEE
25 CHILDREN and great-grandchildren of Plaintiff KOOK. See true and correct
26 copies of Certificates of Death attached to this Complaint as Exhibits 6 and 7.

27 36. Plaintiffs are informed, believe, and thereupon allege that the crash and
28 fire also caused personal injuries and the death of Decedent SEOKIM KIM, age 59,

1 wife of Plaintiff LEE, mother of Plaintiffs LEE CHILDREN, mother-in-law of
2 Plaintiff YOON and daughter of Plaintiff KOOK. See true and correct copy of
3 Certificate of Death attached as Exhibit 8.

4 37. Plaintiffs are informed, believe, and thereupon allege that the crash and
5 fire also destroyed Plaintiff YOON's family home, destroying personal property
6 belonging to Plaintiff Yoon and Plaintiff Yoon's wife, DECEDENT YOUNGMI
7 LEE YOON.

8 38. Plaintiffs are informed, believe, and thereupon allege that the crash and
9 fire also destroyed personal property belonging to Decedent SEOKIM KIM and
10 Plaintiff LEE.

11 39. Plaintiffs are informed and believe, and thereupon allege, that
12 employees of Defendant UNITED STATES were grossly negligent in their acts,
13 omissions and conduct prior to and during the Subject Incident, including but not
14 limited to deferring required, mandated, and prescribed maintenance of the Subject
15 Aircraft for issues that Defendant knew or should have known were problematic and
16 inherently dangerous. Specifically, employees of Defendant UNITED STATES,
17 acting within the immediate jurisdiction of the United States Navy, knew or should
18 have known of the existing maintenance problems of the SUBJECT AIRCRAFT,
19 and knowingly flew the SUBJECT AIRCRAFT at least one hundred forty-six times
20 (146) without addressing the existing problems or remedying the danger until the
21 SUBJECT AIRCRAFT ultimately crashed, burned Plaintiffs' Decedents alive,
22 eventually killing them and destroying their home and personal property.

23 40. Plaintiffs are informed and believe, and thereupon allege, that the
24 negligent acts, omissions and conduct of the Defendant UNITED STATES and its
25 employees include, but are not limited to, their negligent failure to comply with
26 mandated and required regulations, policies and procedures that required record-
27 keeping of aircraft flight hours, engine hours of use, dates of use, and engine service
28 records, the failure to so comply being a contributing, direct, proximate and

1 producing cause of the crash of the Subject Aircraft that resulted in the injuries,
2 deaths and property damage.

3 41. Plaintiffs are informed, believe, and thereupon allege that these
4 negligent and reckless acts or omissions also include the abandonment of Defendant
5 UNITED STATES' fixed policy and procedure of requiring that aircraft with known
6 malfunctioning and defective parts such as the Subject Aircraft first be tested and
7 flown by trained and certified flight instructors/employees of Defendant UNITED
8 STATES before being returned to service for use by pilots-in-training, such as the
9 student pilot in this incident.

10 42. Plaintiffs are informed, believe, and thereupon allege that these
11 negligent and reckless acts or omissions also include the abandonment of fixed
12 policies, procedures and checklists developed, prescribed, trained for and mandated
13 by Defendant UNITED STATES for exactly the emergencies that the Subject Pilot
14 and his squadrons and sea and ground crews encountered and created in the Subject
15 Incident.

16 43. Plaintiffs are informed, believe, and thereupon allege that these grossly
17 negligent acts/omissions created dangerous conditions that were both foreseeable
18 and unreasonable. Defendant UNITED STATES has, by its own admission,
19 described this gross negligence as "bad decision making" based upon "incorrect
20 assumptions." Four employees of Defendant UNITED STATES have been relieved
21 of their duties, and nine others have received severe disciplinary action for their
22 gross negligence connected to this incident.

23 44. Plaintiffs are informed, believe, and thereupon allege that the crash,
24 fire, and resulting personal injuries, deaths and property damage, is also attributable
25 to the negligent and defective manufacture and design of the Subject Aircraft and its
26 component parts by Defendant BOEING.

27 45. Plaintiffs are informed, believe, and thereupon allege, that the Subject
28 Aircraft and its component parts were designed, assembled, manufactured,

1 inspected, tested, marketed, and introduced into the stream of commerce by
2 Defendant BOEING.

3 46. Plaintiffs are informed, believe, and thereupon allege, that the Subject
4 Aircraft and its component parts were introduced into the stream of commerce in a
5 defective condition by Defendant BOEING. Such defects caused and/or contributed
6 to the crash of the Aircraft and the resulting fire, personal injuries, deaths and
7 property damage.

8 47. Plaintiffs are informed, believe, and thereupon allege, that the defective
9 Subject Aircraft and its component parts were a contributing, direct, proximate and
10 producing cause of the crash of the Subject Aircraft that resulted in the resulting
11 fire, personal injuries, deaths and property damage.

12
13 **DAMAGES**

14 48. Plaintiffs are informed, believe, and thereupon allege that at the time of
15 their tragic and untimely deaths, YOUNGMI LEE YOON, GRACE YOON,
16 RACHEL YOON, and SEOKIM KIM were in good health and comprised the
17 majority of two loving, caring and stable families. As a result of their tragic deaths,
18 Plaintiffs have suffered grief, mental anguish, and have been deprived of Decedents'
19 love, affection, solace, companionship, society, protection, moral guidance and
20 support, services, care, counsel and training, advice, as well as monetary
21 contributions and other financial support, including loss of income to the heirs.

22 49. Plaintiffs are informed, believe, and thereupon allege that as a direct
23 result of both the crash of the enormous aircraft and the intense heat and flames that
24 engulfed the house, Decedents YOUNGMI LEE YOON, GRACE YOON,
25 RACHEL YOON, and SEOKIM KIM, suffered pre-death injuries to their person
26 and property, including pre-death pain, suffering, anxiety, and emotional distress for
27 a discernible period before their ultimate deaths.

28 50. By reason of all of the foregoing, Plaintiffs have sustained and are

1 entitled to compensatory damages together with any attorney's fees and
2 prejudgment interest and fees that Defendant UNITED STATES may waive and/or
3 this Court deem proper.

4 51. Plaintiffs have also sustained and are entitled to compensatory damages
5 against Defendant BOEING in a sum in excess of the jurisdictional minimum of this
6 Court, together with such exemplary damages, as well as such other damages, costs
7 and fees as this Court may deem proper.

8
9 **FIRST CAUSE OF ACTION**

10 **NEGLIGENCE (ADMIRALTY)**

11 52. Plaintiffs' First Cause of Action is an action in negligence (admiralty),
12 and is brought against the Defendant UNITED STATES in personam, pursuant to
13 jurisdiction provided by Admiralty Jurisdiction statute, 28 U.S.C. Section 1333,
14 construed in conjunction with: the Suits in Admiralty Act, 46 U.S.C. App. Sections
15 741-52, the Extension of Admiralty and Maritime Jurisdiction Act, 46 U.S.C.
16 Section 30101, the Death on the High Seas Act, 46 U.S.C. Section 761-68, the Jones
17 Act, 46 U.S.C. App. Section 688, the Public Vessels Act, 46 U.S.C. App Section
18 781, the Federal Employers Liability Act, 45 U.S.C. Sections 51-60, and the Outer
19 Continental Shelf Liability Act (OCSLA), 43 U.S.C. App. 1331 et seq.

20 53. Plaintiffs First Cause of Action for Negligence (Admiralty) is brought
21 by ALL PLAINTIFFS.

22 54. Plaintiffs repeat and reallege each and every allegation and statement
23 contained in the previous paragraphs.

24 55. Plaintiffs are informed, believe, and thereupon allege that Defendant
25 owed a duty of care to Decedents and their families, including Plaintiffs. Defendant
26 breached that duty of care by negligently employing the defective Subject Aircraft
27 and its component parts, and operating the defective Subject Aircraft in a grossly
28 negligent manner which caused the Subject Incident.

1 violate.

2 64. Plaintiffs are informed, believe, and thereupon allege that Defendant's
3 negligent and reckless conduct contributorily, directly and proximately caused the
4 crash at issue and the injuries and death to Decedents and the resulting damages to
5 Plaintiffs.

6
7 **THIRD CAUSE OF ACTION**

8 **STRICT PRODUCT LIABILITY (IN LAW)**

9 65. Plaintiffs' Third Cause of Action for Strict Liability is brought under
10 state law against Defendant BOEING by ALL PLAINTIFFS.

11 66. Plaintiffs repeat, reallege and incorporate each and every statement and
12 allegation in the preceding paragraphs.

13 67. Plaintiffs are informed, believe, and thereupon allege, that the Subject
14 Aircraft and its component parts were defective and unreasonably dangerous by
15 reason of defective manufacture by McDonnell Douglas Corporation, an entity
16 acquired by Defendant BOEING prior to the Subject Incident and for all time
17 relevant to the events alleged in this complaint, and failure of the Defendant
18 BOEING to give adequate and proper warnings of the dangers existing therein, and
19 adequate instructions regarding the avoidance of such dangers in the use, storage
20 and maintenance of the Subject Aircraft and its component parts.

21 68. Plaintiffs are informed, believe, and thereupon allege, that the defective
22 and unreasonably dangerous conditions in the Subject Aircraft and its component
23 parts exposed Decedents and the general public to unreasonable risks of harm and
24 were a contributing, direct, proximate and producing cause of the deaths and
25 property damage.

26 69. Plaintiffs are informed, believe, and thereupon allege, that Defendants
27 are in the business of designing, manufacturing, selling, marketing and/or
28 distributing the Subject Aircraft and its component parts, which are distributed and

1 sold throughout the United States, as well as the state of California, and as such are
2 liable to the Plaintiffs for damages under the theory of strict products liability.

3 70. Plaintiffs are informed, believe, and thereupon allege, that at the time
4 the Subject Aircraft and its component parts were sold, converted, marketed and/or
5 placed into the stream of commerce by the Defendant BOEING, such products were
6 defective and unreasonably dangerous as that term is defined in law to persons who
7 could reasonably be expected to use them, that such defects and unreasonably
8 dangerous conditions were known by Defendant BOEING at the time the Subject
9 Aircraft and its component parts were sold, converted, marketed and/or placed into
10 the stream of commerce, and these defective and unreasonably dangerous conditions
11 were a contributing, proximate and producing cause of the resulting deaths and
12 property damage.

13 71. Plaintiffs are informed, believe, and thereupon allege that the Subject
14 Aircraft and its component parts were also defective by reason of Defendant
15 BOEING's failure to include or place with it adequate and proper warnings and
16 instructions as to dangers associated with the design and foreseeable use of the
17 Subject Aircraft, and how to avoid such dangers, and further, failed to recall the
18 products to prevent incidents such as the one included herein. Such defects rendered
19 the subject aircraft and its component parts unreasonably dangerous and were a
20 contributing, proximate and producing cause of the deaths and property damage.

21 72. Plaintiffs are informed, believe, and thereupon allege that Defendant
22 BOEING is the manufacturer, designer, and/or distributor of the Subject Aircraft
23 and its component parts, who holds and have held themselves out to the public as
24 having superior knowledge, skill and experience in the design, construction,
25 assembly, manufacture, testing, and inspection of such aircraft and its component
26 parts; and, in the course of business as aerospace manufacturers, Defendant
27 BOEING designed, constructed, assembled, manufactured, inspected, serviced,
28 converted, tested the Subject Aircraft and its component parts; Defendant BOEING

1 expressly and impliedly warranted the component parts were fit for their intended
2 use, being airworthy and free of unreasonably dangerous defects; and Defendant
3 marketed, sold, distributed and caused the Subject Aircraft and its component parts
4 to be introduced into the stream of commerce.

5 73. Plaintiffs are informed, believe, and thereupon allege, that the crash of
6 the Subject Aircraft and the resulting injuries, deaths and property damage, were
7 proximately caused and/or substantially contributed to by latent and unreasonably
8 dangerous defects in the manufacture of said aircraft and its component parts, and
9 Defendant BOEING's failure to warn and/or provide adequate instructions for the
10 use, maintenance, and storage of the Subject Aircraft and its component parts.

11 74. Plaintiffs are informed, believe, and thereupon allege, that at the time
12 the Subject Aircraft and its component parts were sold, converted, marketed and/or
13 placed into the stream of commerce by Defendants, such products were defective
14 and unreasonably dangerous as that term is defined in law to persons who could
15 reasonably be expected to use them, and these defective and unreasonably
16 dangerous conditions were a producing cause of Plaintiffs' damages. The Subject
17 Aircraft and its component parts were also defective by reason of Defendants'
18 failure to include or place with it adequate and proper warnings and instructions as
19 to dangers associated with the design and foreseeable use of the Subject Aircraft and
20 how to avoid such dangers, and these defects rendered the Subject Aircraft
21 unreasonably dangerous.

22 75. Plaintiffs are informed, believe, and thereupon allege, by reason of the
23 foregoing, that Defendant BOEING is strictly liable in tort to Plaintiffs for the
24 injuries, deaths and property damage sustained as a result of the crash of the Subject
25 Aircraft.

26 76. Plaintiffs are informed, believe, and thereupon allege, that the conduct
27 of Defendant BOEING as alleged herein, was reckless, willful, oppressive,
28 malicious and done with reckless and wanton disregard for the rights and safety of

1 the Decedents and Plaintiffs with knowledge of the defects at issue, and in conscious
2 disregard of the safety hazards raised by those defects.

3 **FOURTH CAUSE OF ACTION**

4 **NEGLIGENCE PRODUCT LIABILITY (IN LAW)**

5 77. Plaintiffs' Fourth Cause of Action for Negligence Product Liability is
6 brought under state law against defendant BOEING by ALL PLAINTIFFS.

7 78. Plaintiffs repeat, reallege and incorporate each and every statement and
8 allegation in the preceding paragraphs.

9 79. Plaintiffs are informed, believe, and thereupon allege, that the
10 Defendant BOEING designed, tested, developed, manufactured, fabricated,
11 assembled, distributed, bought, sold, inspected, serviced, warranted, supplied, and/or
12 modified the Subject Aircraft and its component parts.

13 80. Plaintiffs are informed, believe, and thereupon allege, that at all times
14 mentioned herein, the Subject Aircraft and its component parts were defective when
15 placed into the stream of commerce by Defendants, and was of such a nature that the
16 defects would not be discovered in normal inspection and operation by users
17 thereof.

18 81. Plaintiffs are informed, believe, and thereupon allege, that on or about
19 December 8, 2008, the Subject Aircraft and its component parts, were being
20 operated and used in a reasonably foreseeable manner.

21 82. Plaintiffs are informed, believe, and thereupon allege, that the
22 Defendants, as manufacturers, distributors, suppliers, and sellers of the Subject
23 Aircraft and its component parts, owed a duty of care to Plaintiffs that the Subject
24 Aircraft and its component parts would not be placed into the stream of commerce
25 in a defective condition.

26 83. Plaintiffs are informed, believe, and thereupon allege, that the
27 Defendant BOEING was negligent in the manufacture and marketing and design of
28 the Subject Aircraft and its component parts, such that, Defendant BOEING knew or

1 should have known in the exercise of ordinary care, that the Subject Aircraft and its
2 component parts were defective and unreasonably dangerous to those persons likely
3 to use such products for the purpose and manner for which they were intended to be
4 used, and for purposes reasonably foreseeable to Defendant. Defendant BOEING
5 was negligent in the particulars set forth in this and the proceeding paragraphs, and
6 said negligence was a contributing, direct, proximate and producing cause of the
7 subject crash, which is the basis of this action, and the resulting deaths and property
8 damage.

9 84. Plaintiffs are informed, believe, and thereupon allege, that Defendant
10 BOEING knew, or in the exercise of ordinary care should have known, of the means
11 of manufacturing the Subject Aircraft and its component parts, such that the type of
12 incident and resulting injuries as described herein would be prevented. The
13 Defendant had actual knowledge that manufacturing such an aircraft and its
14 component parts in a defective condition, as alleged herein, would be unreasonably
15 dangerous and would cause incidents such as the crash alleged herein.

16 85. Plaintiffs are informed, believe, and thereupon allege, that the
17 Defendant was additionally negligent in that they failed to provide proper warnings
18 or instructions to ordinary users thereof, including Plaintiffs and Co-Defendant
19 UNITED STATES, and failed to recall or timely recall the products or make
20 appropriate post-marketing efforts to prevent incidents such as the one included
21 herein.

22 86. Plaintiffs are informed, believe, and thereupon allege, that Defendant
23 was negligent in their failure to give adequate or proper warnings or instructions to
24 the users thereof, including Plaintiffs and Co-Defendant UNITED STATES, for the
25 reasonable and foreseeable use and storage and maintenance of the Subject Aircraft
26 and its component parts, and failed to make appropriate efforts to prevent incidents
27 such as the one included herein, and that Defendant knew or reasonably should have
28 known that users thereof, including Co-Defendant UNITED STATES, would not

1 realize such dangers to which Defendant BOEING had failed to warn users thereof.

2 87. Plaintiffs are informed, believe, and thereupon allege, that reasonable
3 manufacturers, distributors and sellers of the Subject Aircraft and its component
4 parts under the same or similar circumstances would have provided such warnings
5 and instructions for the use and storage of the Subject Aircraft and its component
6 parts.

7 88. Plaintiffs are informed, believe, and thereupon allege that Defendant
8 BOEING violated their duty and were negligent in those acts previously described,
9 and further described herein. Defendant BOEING's negligent acts or omissions,
10 collectively and/or severally, were a contributing, direct and proximate cause or
11 causes of the incident, which is the basis for this action.

12 89. Plaintiffs are informed, believe, and thereupon allege that the defective
13 condition of the Subject Aircraft and its component parts, and the resulting crash of
14 the Subject Aircraft, was caused by the negligence, recklessness, wrongdoing,
15 tortious conduct, careless acts and omissions of the Defendant BOEING in the
16 manufacture, assembly, construction, testing and marketing of the Subject Aircraft
17 and its component parts, and in said Defendant's failure to warn of and to take
18 appropriate remedial action with respect to the known dangerously defective
19 conditions, and failure to provide proper instructions for the use and storage of the
20 Subject Aircraft and its component parts.

21 90. Plaintiffs are informed, believe, and thereupon allege that as a further
22 contributing, direct and proximate result of the acts of the Defendant BOEING in
23 defectively manufacturing said products and failing to provide adequate warnings
24 and instructions, the deaths and damages to property were caused for which
25 Defendants are liable.

26 91. Plaintiffs are informed, believe, and thereupon allege that the conduct
27 of Defendant BOEING as described herein, was willful, oppressive, malicious and
28 done with reckless and wanton disregard for the rights and safety of decedents.

FIFTH CAUSE OF ACTION

BREACH OF IMPLIED AND EXPRESS WARRANTIES (IN LAW)

1
2
3
4 92. Plaintiffs' Fifth Cause of Action for Breach of Implied and Express
5 Warranties is brought under state law against defendant BOEING by ALL
6 PLAINTIFFS.

7 93. Plaintiffs repeat, reallege and incorporate each and every statement and
8 allegation in the preceding paragraphs.

9 94. Plaintiffs are informed, believe, and thereupon allege that Defendant
10 BOEING, by and through the sale and distribution of the products in question,
11 expressly and impliedly warranted to the public generally, and to Co-Defendant
12 UNITED STATES specifically and to Plaintiffs, that the products in question were
13 fit for the purposes for which they were intended.

14 95. Plaintiffs are informed, believe, and thereupon allege that at the time
15 such products were marketed, sold and distributed, Defendant BOEING was in the
16 business of selling such products, and holds and have held themselves out to the
17 public as having superior knowledge, skill and experience in the design,
18 construction, assembly, manufacture, testing, and inspection of such aircraft and its
19 component parts, and in the course of business as aerospace manufacturers.
20 Defendant BOEING designed, constructed, assembled, manufactured, inspected,
21 serviced, converted, and tested the Subject Aircraft and its component parts, and
22 Defendant expressly and impliedly warranted the Subject Aircraft and its component
23 parts were fit for intended use, being airworthy and free of unreasonably dangerous
24 defects.

25 96. Plaintiffs are informed, believe, and thereupon allege that prior to the
26 negligent actions/omissions of Co-Defendant UNITED STATES during the Subject
27 Incident, Co-Defendant UNITED STATES made reasonable and foreseeable use of
28 the products as alleged herein, and relied on the express and implied warranties

1 made by Defendants.

2 97. Plaintiffs are informed, believe, and thereupon allege that contrary
3 thereto, the products in question, the Subject Aircraft and its component parts, were
4 not fit for their intended and foreseeable uses, thereby rendering the products in
5 question unreasonably dangerous.

6 98. Plaintiffs are informed, believe, and thereupon allege that Defendant
7 BOEING breached the express and implied warranties because of the products'
8 failure and defective components as alleged above, and because of improper
9 marketing involved in Defendant BOEING's failure to warn of the products'
10 inadequacies and/or defects and failure to instruct in the safe use, operation,
11 maintenance and storage of such products.

12 99. Plaintiffs are informed, believe, and thereupon allege that Defendant
13 BOEING's breach of warranties and the above-mentioned defects rendered the
14 products unreasonably dangerous, and were a contributing, direct, proximate and
15 producing cause of the subject crash and the resulting injuries, deaths and property
16 damage. Further, Defendants' conduct was undertaken knowingly and intentionally.

17 100. Plaintiffs are informed, believe, and thereupon allege that the crash of
18 the Subject Aircraft, and the resulting deaths and property damage, were
19 proximately caused and/or substantially contributed to by Defendant BOEING's
20 breach of express and implied warranties of the Subject Aircraft and its component
21 parts' fitness for use, and Defendant BOEING's breach of its representation that the
22 Subject Aircraft and its component parts were free of latent and unreasonably
23 dangerous defects in its design, manufacture, marketing, and distribution.

24 101. Plaintiffs are informed, believe, and thereupon allege that as a member
25 of the general public, Plaintiffs relied to their detriment upon Defendant BOEING's
26 representations.

27 102. Plaintiffs are informed, believe and thereupon allege by reason of the
28 foregoing, Defendant BOEING is liable to Plaintiffs in Breach of Warranty for their

1 part in the injuries, deaths and property damages that are the subject of this action.

2 103. Plaintiffs are informed, believe, and thereupon allege that the conduct
3 of Defendant BOEING as alleged herein, was willful, oppressive, malicious and
4 done with reckless and wanton disregard for the rights and safety of the Plaintiffs'
5 Decedents.

6
7 **PRAYER FOR RELIEF**
8

9 104. WHEREFORE, ALL PLAINTIFFS, including Plaintiffs DON YOON
10 individually and as Successor in Interest of Decedents YOUNGMI LEE YOON,
11 GRACE YOON, and RACHEL YOON, Plaintiff LEE individually and as Successor
12 in Interest of Decedent SEOKIM KIM, SANGHYUN LEE, YUMI LEE,
13 BAEKGWAN LEE, JUN HWA LEE and YANGRAE KOOK pray judgment
14 against Defendants as follows:

15 105. For all available general damages (non-economic damages);

16 106. For all available special damages (economic damages);

17 107. For all available damages at law;

18 108. For all available Admiralty/Maritime damages;

19 109. For prejudgment interest, fees, and costs of suit incurred herein, if
20 available;

21 110. For attorneys' fees, if available;

22 111. For such other and further relief as the Court may deem just and proper.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 **DEMAND FOR JURY TRIAL**

2 Plaintiffs hereby demand a trial by jury.

3
4 Respectfully submitted,

5 DATED: July 28, 2010

6
7
8
9 By: Raymond Feldman
10 LAW OFFICES OF RAYMOND FELDMAN
11 Raymond Feldman

12 PANISH SHEA & BOYLE, LLP
13 Brian J. Panish
14 Kevin R. Boyle

15 *Attorneys for Plaintiffs*
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PANISH SHEA & BOYLE LLP

11111 Santa Monica Boulevard, Suite 700

Los Angeles, California 90025

310.477.1700 phone • 310.477.1699 fax

Exhibit 1

Declaration of Don Yoon

1. My name is Don (Dong Yun) Yoon.
2. The Decedent, Youngmi Lee Yoon, my wife, died on 12-8-08 in San Diego, CA.
3. No proceeding is now pending in California for administration of her estate.
4. The Declarant is the Decedent's successor in interest (as defined in CCP section 377.11) and succeeds to the Decedent's interest in the action or proceeding.
5. No other person has a superior right to commence the action or proceeding.
6. The Declarant declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at: Chula Vista, CA

Dated: 04/29/10



Declarant Don Yoon

Exhibit 2

Declaration of Don Yoon

1. My name is Don (Dong Yun) Yoon.
2. The Decedent, Rachel Yoon, my daughter, died on 12-8-08 in San Diego, CA.
3. No proceeding is now pending in California for administration of her estate.
4. The Declarant is the Decedent's successor in interest (as defined in CCP section 377.11) and succeeds to the Decedent's interest in the action or proceeding.
5. No other person has a superior right to commence the action or proceeding.
6. The Declarant declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at: Chula Vista, CA

Dated: 04/29/10



Declarant Don Yoon

Exhibit 3

Declaration of Don Yoon

1. My name is Don (Dong Yun) Yoon.
2. The Decedent, Grace Yoon, my daughter, died on 12-8-08 in San Diego, CA.
3. No proceeding is now pending in California for administration of her estate.
4. The Declarant is the Decedent's successor in interest (as defined in CCP section 377.11) and succeeds to the Decedent's interest in the action or proceeding.
5. No other person has a superior right to commence the action or proceeding.
6. The Declarant declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at: Chula Vista, CA

Dated: 04/29/10



Declarant Don Yoon

Exhibit 4

Declaration of Sanghyun Lee

1. My name is Sanghyun (Sanghyeon) Lee.
2. The Decedent, Seokim Kim, my wife, died on 12-8-08 in San Diego, CA.
3. No proceeding is now pending in California for administration of her estate.
4. The Declarant is the Decedent's successor in interest (as defined in CCP section 377.11) and succeeds to the Decedent's interest in the action or proceeding.
5. No other person has a superior right to commence the action or proceeding.
6. The Declarant declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at: Damyang, Korea

Dated: 5-4-10



Declarant Sanghyun Lee

Exhibit 5

STATE OF CALIFORNIA

CERTIFICATION OF VITAL RECORD

COUNTY OF SAN DIEGO

CERTIFICATE OF DEATH

3200837018768

STATE FILE NUMBER: 3200837018768
 LOCAL REGISTRATION NUMBER: 3200837018768

1. NAME OF DECEDENT - FIRST (Given): YOUNGMI
 2. MIDDLE: -
 3. LAST (Family): LEE

4. DATE OF BIRTH (month/day/year): 02/10/1972
 5. AGE Yrs.: 36
 6. SEX: F

7. BIRTH STATE/FOREIGN COUNTRY: KOREA
 8. SOCIAL SECURITY NUMBER: 618-53-4747
 9. EVER IN U.S. Armed Forces: YES NO UNK
 10. MARITAL STATUS (at time of death): MARRIED
 11. DATE OF DEATH (month/day/year): 12/08/2008
 12. HOUR (24 Hour): 1334

13. EDUCATION - Highest level attained (See worksheet on back): BACHELOR
 14. WAS DECEDENT HISPANIC/LATINO/SPANISH? (See worksheet on back): NO
 15. DECEDENT'S RACE - Up to 2 races may be listed (See worksheet on back): KOREAN

16. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED: REGISTERED NURSE
 17. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, food preparation, employment agency, etc.): CONVALESCENT HOSPITAL
 18. YEARS IN OCCUPATION: 2

19. DECEDENT'S RESIDENCE (Street and number or location): 4416 CATHER AVENUE
 20. CITY: SAN DIEGO
 21. COUNTY/PROVINCE: SAN DIEGO
 22. ZIP CODE: 92122
 23. YEARS IN COUNTY: 4
 24. STATE/FOREIGN COUNTRY: CALIFORNIA

25. INFORMANT'S NAME RELATIONSHIP: DON YOON, HUSBAND
 26. INFORMANT'S MAILING ADDRESS (Street and number or location, room number, city or town, state, ZIP): 4416 CATHER AVENUE, SAN DIEGO, CA 92122

27. NAME OF SURVIVOR SPOUSE - FIRST: DON
 28. MIDDLE: -
 29. LAST (Maiden Name): YOON
 30. NAME OF FATHER - FIRST: SEOKHYUN
 31. MIDDLE: -
 32. LAST: LEE
 33. BIRTH STATE: KOREA
 34. NAME OF MOTHER - FIRST: SEOKIM
 35. MIDDLE: -
 36. LAST: KIM
 37. BIRTH STATE: KOREA

38. DISPOSITION DATE (month/day/year): 12/13/2008
 39. PLACE OF FINAL DISPOSITION: GLEN ABBEY MEMORIAL PARK
 3838 BONITA ROAD, BONITA, CA 91902
 40. TYPE OF DISPOSITION: BURIAL
 41. SIGNATURE OF EMBALMER: NOT EMBALMED
 42. LICENSE NUMBER: FD1371
 43. SIGNATURE OF LOCAL REGISTRAR: WILMA WOOTEN, MD
 44. DATE (month/day/year): 12/12/2008

45. PLACE OF DEATH: FOUND, HOME
 46. COUNTY: SAN DIEGO
 47. FACILITY ADDRESS OR LOCATION (Where found) (Street and number or location): 4416 CATHER AVENUE
 48. CITY: SAN DIEGO
 49. CAUSE OF DEATH: THERMAL INJURIES
 50. IMMEDIATE CAUSE (From causes of conditions resulting in death): THERMAL INJURIES
 51. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 49: NONE
 52. WAS OPERATION PERFORMED FOR ANY CONDITION AT TIME OF DEATH? (Yes, list type of operation and site): NO
 53. IF FEMALE, PREGNANT IN LAST YEAR: YES NO UNK

54. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE USUAL DATE AND PLACE STATED FROM THE CAUSES STATED.
 55. SIGNATURE AND TITLE OF CERTIFIER: WILMA WOOTEN, MD
 56. LICENSE NUMBER: 5080
 57. DATE (month/day/year): 12/12/2008

58. I CERTIFY THAT THIS DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED.
 59. MANNER OF DEATH: Natural Accidents Homicide Suicide Pending investigation Could not be determined
 60. INJURED AT WORK? YES NO UNK
 61. SURVIVAL DATE (month/day/year): 12/08/2008
 62. HOUR (24 Hour): 1158

63. PLACE OF INQUIRY (e.g., home, construction site, wooded area, etc.): HOME
 64. DESCRIBE HOW INQUIRY OCCURRED (Events which resulted in inquiry): OCCUPANT OF HOUSE STRUCK BY MILITARY PLANE, BURNED
 65. LOCATION OF INQUIRY (Street and number or location, city, and ZIP): 4416 CATHER AVENUE, SAN DIEGO, CA 92122
 66. SIGNATURE OF CORNER/DEPUTY CORNER: CRAIG NELSON
 67. DATE (month/day/year): 12/12/2008
 68. TYPE NAME, TITLE OF CORNER/DEPUTY CORNER: CRAIG NELSON, MD, DME

69. STATE REGISTRAR: A B C D E
 70. FAX AUTH.#: 012008000961465
 71. CENSUS TRACT:



* A 01998420 *

County of San Diego - Department of Health Services - 3851 Rosecrans Street. This is to certify that, if bearing the OFFICIAL SEAL OF THE STATE OF CALIFORNIA, the OFFICIAL SEAL OF SAN DIEGO COUNTY AND THEIR DEPARTMENT OF HEALTH SERVICES EMBOSSED SEAL, this is a true copy of the ORIGINAL DOCUMENT FILED. Required fee paid.

DATE ISSUED: December 16, 2008

WILMA J. WOOTEN, M.D.
WILMA J. WOOTEN, MD
REGISTRAR OF VITAL RECORDS
County of San Diego

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

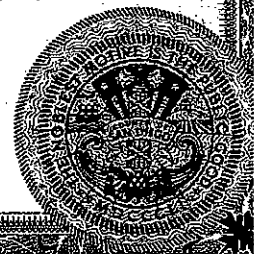


Exhibit 6

CERTIFICATION OF VITAL RECORD

COUNTY OF SAN DIEGO

CERTIFICATE OF DEATH

3200837018764

STATE FILE NUMBER		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEDENT - FIRST (Given)		3. LAST (Family)	
GRACE		YOON	
4. DATE OF BIRTH (month/day/year)		5. AGE (Yrs.)	
08/23/2007		1	
6. BIRTH STATE/FORIGN COUNTRY		11. EVER IN U.S. ARMED FORCES?	
CALIFORNIA		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	
10. SOCIAL SECURITY NUMBER		12. MARITAL STATUS (at Time of Death)	
613-65-4965		NEVER MARRIED	
13. DATE OF DEATH (month/day/year)		8. HOUR (24 Hours)	
12/05/2008		FND 1220	
14. EDUCATION - Highest Level (Specify Year month/year of Grad.)		16. DECEDENT'S RACE - (Specify race may be listed state work sheet on back)	
00		KOREAN	
17. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED		19. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, food preparation, employment agency, etc.)	
CHILD			
20. DECEDENT'S RESIDENCE (Street and number or location)			
4416 CATHER AVENUE			
21. CITY		23. ZIP CODE	
SAN DIEGO		92122	
22. COUNTY/ZIP CODE		24. YEARS IN COUNTY	
SAN DIEGO		1	
25. STATE/FOREIGN COUNTRY			
CALIFORNIA			
26. INFORMANT'S NAME RELATIONSHIP		27. INFORMANT'S MAILING ADDRESS (Street and number or rural route number, city or town, state, ZIP)	
DON YOON, FATHER		4416 CATHER AVENUE, SAN DIEGO, CA 92122	
28. NAME OF SURVIVING SPOUSE - FIRST		30. LAST (Maiden Name)	
31. NAME OF FATHER - FIRST		33. LAST	
DON		YOON	
34. NAME OF MOTHER - FIRST		37. LAST (Maiden)	
YOUNGMI		LEE	
35. BIRTH STATE		38. BIRTH STATE	
KOREA		KOREA	
39. BIRTH STATE		39. BIRTH STATE	
KOREA		KOREA	
39. DISPOSITION DATE (month/day/year)		40. PLACE OF FINAL DISPOSITION	
12/13/2008		GLEN ABBEY MEMORIAL PARK 3838 BONITA ROAD, BONITA, CA 91902	
41. TYPE OF DISPOSITION		42. SIGNATURE OF EMBALMER	
BURIAL		NOT EMBALMED	
43. NAME OF FUNERAL ESTABLISHMENT		44. LICENSE NUMBER	
GLEN ABBEY MORTUARY		FD1371	
45. SIGNATURE OF LOCAL REGISTRAR		47. DATE (month/day/year)	
WILMA WOOTEN, MD		12/12/2008	
48. PLACE OF DEATH		49. IF OTHER THAN HOSPITAL, SPECIFY ONE	
FOUND, HOME		<input type="checkbox"/> P <input type="checkbox"/> EDU <input type="checkbox"/> OCC <input type="checkbox"/> HOME <input type="checkbox"/> NURS <input type="checkbox"/> HOSP <input checked="" type="checkbox"/> OTHER	
50. COUNTY		51. CITY	
SAN DIEGO		SAN DIEGO	
52. ADDRESS OR LOCATION WHERE FOUND (Street and number or rural route and number or location)		53. CITY	
4416 CATHER AVENUE		SAN DIEGO	
54. CAUSE OF DEATH (Specify the chain of events - physical, mental, or complications - that directly caused death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or circulatory arrest, for medical or forensic purposes showing the etiology. DO NOT abbreviate.)		55. WEATH REPORTED TO CORONER (Specify and date)	
IMMEDIATE CAUSE (A) THERMAL INJURIES		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 08-02555	
56. UNDERLYING CAUSE (B) (Specify the cause of death resulting in death.)		57. BODY BEING PERFORMED?	
		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
58. UNDERLYING CAUSE (C) (Specify the cause of death resulting in death.)		59. AUTOPSY PERFORMED?	
		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
60. UNDERLYING CAUSE (D) (Specify the cause of death resulting in death.)		61. USED IN DETERMINING CAUSE?	
		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
62. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 54			
NONE			
63. TEAS OPERATION PERFORMED FOR ANY CONDITION IN THIS BODY OR PART? (If yes, list type of operation and date)			
NO			
64. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOME, DATE, AND PLACE STATED FROM THE CAUSE STATED		65. SIGNATURE AND TITLE OF CERTIFIER	
Discoverer Attached Sign Discoverer Last Name Affix 66. municipality 67. municipality		68. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE 69. municipality 70. municipality	
68. I CERTIFY THAT IN NO OTHER DEATH OCCURRED AT THE HOUR, DATE, AND PLACE STATED FROM THE CAUSES STATED		71. INJURED AT WORK?	
MANNER OF DEATH <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Accidents <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Pending Inquest <input type="checkbox"/> Could not be determined		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK	
72. PLACE OF INQUIRY (e.g., home, construction site, wooded area, etc.)		73. RAUERY DATE (month/day/year)	
FOUND, HOME		12/08/2008	
74. DESCRIBE HOW INQUIRY OCCURRED (Events which include a party)		75. HOUR (24 Hours)	
OCCUPANT OF HOUSE STRUCK BY MILITARY PLANE, BURNED		1158	
76. LOCATION OF INQUIRY (Street and number or location, and city and ZIP)			
4416 CATHER AVENUE, SAN DIEGO, CA 92122			
77. SIGNATURE OF CORONER/DEPUTY CORONER		78. TYPE NAME, TITLE OF CORONER/DEPUTY CORONER	
CRAIG NELSON		CRAIG NELSON, MD, DME	
79. DATE (month/day/year)		80. TYPE NAME, TITLE OF CORONER/DEPUTY CORONER	
12/12/2008		CRAIG NELSON, MD, DME	
STATE REGISTRAR		FAX AUTH. #	
A B C D E		CENSUS TRACT	

* A 01999478 *

County of San Diego - Department of Health Services - 3851 Rosecrans Street. This is to certify that, if bearing the OFFICIAL SEAL OF THE STATE OF CALIFORNIA; the OFFICIAL SEAL OF SAN DIEGO COUNTY AND THEIR DEPARTMENT OF HEALTH SERVICES EMBOSSED SEAL, this is a true copy of the ORIGINAL DOCUMENT FILED. Required fee paid.

DATE ISSUED: December 18, 2008

Wilma J. Wooten, M.D.
 WILMA J. WOOTEN, MD
 REGISTRAR OF VITAL RECORDS
 County of San Diego

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

Exhibit 7

COUNTY OF SAN DIEGO

CERTIFICATE OF DEATH

3200837018766

1. NAME OF DECEDENT - FIRST (Given)		2. MIDDLE		3. LAST (Family)		LOCAL REGISTRATION NUMBER	
RACHEL				YOON		3200837018766	
4. DATE OF BIRTH (month/day/year)							
10/17/2008							
5. AGE (Year)							
0							
6. SEX							
F							
7. DATE OF DEATH (month/day/year)							
12/08/2008							
8. HOUR (24 hours)							
FND 1600							
9. DECEDENT'S RACE - Use the 2 races may be listed (see instructions on back)							
KOREAN							
10. DECEDENT'S PLACE - Use the 2 races may be listed (see instructions on back)							
KOREAN							
11. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED							
INFANT							
12. KIND OF BUSINESS OR INDUSTRY - e.g., grocery store, road construction, employer/agency, etc.							
13. YEARS IN OCCUPATION							
20. DECEDENT'S RESIDENCE (Street and number or location)							
4416 CATHER AVENUE							
21. CITY							
SAN DIEGO							
22. COUNTY/PROVINCE							
SAN DIEGO							
23. ZIP CODE							
92122							
24. YEARS IN COUNTY							
0							
25. STATE/FOREIGN COUNTRY							
CALIFORNIA							
26. INFORMANT'S NAME, RELATIONSHIP							
DON YOON, FATHER							
27. INFORMANT'S MAILING ADDRESS (Street and number or rural route number, city or town, state, ZIP)							
4416 CATHER AVENUE, SAN DIEGO, CA 92122							
28. NAME OF SURVIVING SPOUSE - FIRST							
-							
29. MIDDLE							
-							
30. LAST (Family Name)							
-							
31. NAME OF FATHER - FIRST							
-							
32. MIDDLE							
-							
33. LAST							
YOON							
34. BIRTH STATE							
KOREA							
35. NAME OF MOTHER - FIRST							
YOUNGMI							
36. MIDDLE							
-							
37. LAST (maiden)							
LEE							
38. BIRTH STATE							
KOREA							
39. DISPOSITION DATE (month/day)							
12/13/2008							
40. PLACE OF FINAL DISPOSITION							
GLEN ABBEY MEMORIAL PARK							
3838 BONITA ROAD, BONITA, CA 91902							
41. TYPE OF DISPOSITION							
BURIAL							
42. SIGNATURE OF EMBALMER							
NOT EMBALMED							
43. LICENSE NUMBER							
-							
44. NAME OF FUNERAL ESTABLISHMENT							
GLEN ABBEY MORTUARY							
45. LICENSE NUMBER							
FD1371							
46. SIGNATURE OF LOCAL REGISTRAR							
WILMA WOOTEN, MD							
47. DATE (month/day)							
12/12/2008							
101. PLACE OF DEATH							
FOUND, HOME							
102. IF HOSPITAL, SPECIFY ONE							
-							
103. IF OTHER THAN HOSPITAL, SPECIFY ONE							
-							
104. COUNTY							
SAN DIEGO							
105. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number or location)							
4416 CATHER AVENUE							
106. CITY							
SAN DIEGO							
107. CAUSE OF DEATH							
THERMAL INJURIES							
108. DEATH REPORTED TO CORONER							
YES							
109. RPD NUMBER							
08-02546							
110. ECCT# PERFORMED							
YES							
111. AUTOPSY PERFORMED							
YES							
112. USED IN DETERMINING CAUSE							
YES							
113. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH (if NOT RESULTING IN THE UNDERLYING CAUSE GIVEN BY 107)							
NONE							
114. BEST OPERATION PERFORMED FOR ANY CONDITION IN 107 (if yes, list type of operation and why)							
NO							
115. SIGNATURE AND TITLE OF DEATH CERTIFIER							
CRAIG NELSON							
116. LICENSE NUMBER							
-							
117. DATE (month/day)							
12/12/2008							
118. TYPE ATTENDING PHYSICIANS NAME, MAILING ADDRESS, ZIP CODE							
CRAIG NELSON							
119. CERTIFY THAT BOTH OPINION LEAD TO OCCURRENCE AT THE HOME, DATE, AND PLACE STATED FROM THE CAUSE STATED							
MEANING OF DEATH: <input type="checkbox"/> Natural <input checked="" type="checkbox"/> Accidental <input type="checkbox"/> Homicide <input type="checkbox"/> Suicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Cause not yet determined							
120. BURIED AT WORK? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNK.							
121. HOURS DATE (month/day)							
12/06/2008							
122. HOUR (24 hours)							
1158							
123. PLACE OF BURIAL (e.g., home, construction site, cemetery, etc.)							
HOME							
124. DESCRIBE HOW INJURY OCCURRED (Events which precede injury)							
OCCUPANT OF HOUSE STRUCK BY MILITARY PLANE, BURNED							
125. LOCATION OF BURIAL (Street and number, or location and city, and ZIP)							
4416 CATHER AVENUE, SAN DIEGO, CA 92122							
126. SIGNATURE OF CORONER / DEPUTY CORONER							
CRAIG NELSON							
127. DATE (month/day)							
12/12/2008							
128. TYPE NAME, TITLE OF CORONER / DEPUTY CORONER							
CRAIG NELSON, MD, DME							
STATE REGISTRAR							
A B C D E							
FAX AUTH #							
CENSUS TRACT							



* A 01999477 *

County of San Diego - Department of Health Services - 3851 Rosecrans Street. This is to certify that, if bearing the OFFICIAL SEAL OF THE STATE OF CALIFORNIA, the OFFICIAL SEAL OF SAN DIEGO COUNTY AND THEIR DEPARTMENT OF HEALTH SERVICES EMBOSSED SEAL, this is a true copy of the ORIGINAL DOCUMENT FILED. Required fee paid.

DATE ISSUED: December 18, 2008

Wilma J. Wooten, M.D.
WILMA J. WOOTEN, MD
REGISTRAR OF VITAL RECORDS
County of San Diego

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar

Exhibit 8

STATE OF CALIFORNIA
CERTIFICATION OF VITAL RECORD

COUNTY OF SAN DIEGO

CERTIFICATE OF DEATH

3200837018762

STATE FILE NUMBER		LOCAL REGISTRATION NUMBER	
1. NAME OF DECEDENT - FIRST (Given)		3. LAST (Family)	
SEOKIM		KIM	
2. MIDDLE		4. DATE OF BIRTH	
		07/26/1949	
5. AGE Yrs		6. SEX	
59		F	
7. DATE OF DEATH		8. HOUR (24 Hours)	
12/08/2008		FND 1334	
9. BIRTH STATE/FOREIGN COUNTRY		10. SOCIAL SECURITY NUMBER	
KOREA		NONE	
11. EVER IN U.S. ARMED FORCES		12. MARITAL STATUS (at time of death)	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		MARRIED	
13. EDUCATION - Highest Level Degree		14. WAS DECEASED HISPANIC/LATINO/SPANISH?	
09		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
15. DECEASED'S RACE - Up to 3 races may be listed (see worksheet on back)		16. DECEASED'S RACE	
		KOREAN	
17. USUAL OCCUPATION - Type of work for most of life. DO NOT USE RETIRED		18. KIND OF BUSINESS OR INDUSTRY (e.g., grocery store, road construction, employment agency, etc.)	
HOMEMAKER		OWN HOME	
19. YEARS IN OCCUPATION		20. DECEASED'S RESIDENCE (Street and number or location)	
40		887 BONGANLI MUJUNG-MEON	
21. CITY		22. COUNTY/PROVINCE	
DAMYANG			
23. ZIP CODE		24. YEARS IN COUNTRY	
		KOREA	
25. STATE/FOREIGN COUNTRY		26. INFORMANT'S NAME, RELATIONSHIP	
		SEOKHYUN LEE, HUSBAND	
27. INFORMANT'S MAILING ADDRESS (Street and number or rural route number, city or town, state, ZIP)		28. NAME OF SURVIVING SPOUSE - FIRST	
887 BONGANLI MUJUNG-MEON, DAMYANG, KOREA		SEOKHYUN	
29. LAST (Maiden Name)		30. NAME OF FATHER - FIRST	
LEE		UNKNOWN	
31. MIDDLE		32. LAST	
		KIM	
33. BIRTH STATE		34. NAME OF MOTHER - FIRST	
KOREA		UNKNOWN	
35. MIDDLE		36. LAST (Maiden)	
		KIM	
37. BIRTH STATE		38. BIRTH STATE	
KOREA		KOREA	
39. DISPOSITION DATE		40. PLACE OF FINAL DISPOSITION	
12/12/2008		RESIDENCE OF SEOKHYUN LEE 887 BONGANLI MUJUNG-MEON, DAMYANG, KOREA	
41. TYPE OF DISPOSITION(S)		42. SIGNATURE OF EXAMINER	
CR/TR/RES		NOT EMBALMED	
43. LICENSE NUMBER		44. NAME OF FUNERAL ESTABLISHMENT	
		GLEN ABBEY MORTUARY	
45. LICENSE NUMBER		46. SIGNATURE OF LOCAL REGISTRAR	
FD1371		WILMA WOOTEN, MD	
47. DATE		48. DATE	
12/12/2008		12/12/2008	
49. PLACE OF DEATH		50. IF HOSPITAL, SPECIFY ONE	
FOUND, HOME (OTHER'S)		<input type="checkbox"/> Hospital <input type="checkbox"/> Home <input type="checkbox"/> Other	
51. COUNTY		52. IF OTHER THAN HOSPITAL, SPECIFY ONE	
SAN DIEGO		<input type="checkbox"/> Nursing Home <input type="checkbox"/> Home <input checked="" type="checkbox"/> Other	
53. FACILITY ADDRESS OR LOCATION WHERE FOUND (Street and number or location)		54. CITY	
4416 CATHER AVENUE		SAN DIEGO	
55. CAUSE OF DEATH		56. DEATH REPORTED TO CORNER	
THERMAL INJURIES		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
57. ICD-10 CODE		58. ICD-10 CODE	
R01		08-02544	
59. ICD-10 CODE		60. BIOPSY PERFORMED?	
		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
61. ICD-10 CODE		62. ALTOPIPSY PERFORMED?	
		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
63. ICD-10 CODE		64. USED IN DETERMINING CAUSE?	
		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
65. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSE GIVEN IN 55		66. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 65 OR 67?	
NONE		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
67. SIGNATURE AND TITLE OF CERTIFIER		68. LICENSE NUMBER	
CRAIG NELSON		114	
69. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS, ZIP CODE		70. DATE	
CRAIG NELSON		12/12/2008	
71. TYPE NAME, TITLE OF CORNER/DEPUTY CORNER		72. INJURY DATE	
CRAIG NELSON, MD, DME		12/08/2008	
73. HOUR (24 Hours)		74. INJURY DATE	
1158		12/08/2008	
75. PLACE OF INJURY (e.g., home, construction site, wooded area, etc.)		76. LOCATION OF INJURY (Street and number, or location, and city, and ZIP)	
HOME (OTHER'S)		4416 CATHER AVENUE, SAN DIEGO, CA 92122	
77. DESCRIBE HOW INJURY OCCURRED (Events which resulted in injury)		78. SIGNATURE OF CORNER/DEPUTY CORNER	
OCCUPANT OF HOUSE STRUCK BY MILITARY PLANE, BURNED		CRAIG NELSON	
79. DATE		80. TYPE NAME, TITLE OF CORNER/DEPUTY CORNER	
12/12/2008		CRAIG NELSON, MD, DME	
81. STATE REGISTRAR		82. FAX AUTH.#	
A B C D E		012006000951439	

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County of San Diego - Department of Health Services - 3851 Rosecrans Street. This is to certify that, if bearing the OFFICIAL SEAL OF THE STATE OF CALIFORNIA, the OFFICIAL SEAL OF SAN DIEGO COUNTY and THEIR DEPARTMENT OF HEALTH SERVICES EMBOSSED SEAL, this is a true copy of the ORIGINAL DOCUMENT FILED. Required fee paid.

DATE ISSUED: December 12, 2008

Wilma J. Wooten, M.D.
WILMA J. WOOTEN, M.D.
REGISTRAR OF VITAL RECORDS
County of San Diego

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