

ATTORNEY: Pilot was hit by toxic fumes in plane cockpit

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that ended his flying career and left him with significant debility.

After years of workers' compensation litigation with JetBlue's insurer, AIG — Chartis Claims, Inc., Sisters attorney Glen Lasken prevailed on behalf of his client. Administrative Law judge Darren Otto ordered on July 31 that claim denials and closures be set aside or overturned, and awarded attorney's fees and costs to Lasken.

Lasken summed up the immediate result for his client:

"It means he has a viable workers' compensation claim," Lasken said.

That will translate into hundreds of thousands of dollars in benefits over a period of years. Lasken sees the outcome as a modicum of justice for a man whose career and active way of life were derailed due to the workplace incident.

"He's permanently disabled; he'll never fly again," Lasken said. "He was a gonzo athlete — he can't do any of that now. His quality of life has been taken from him."

In his arguments before the court, Lasken starkly laid out the stakes for his client: "Once again, this is not a back strain. This is a career-ending, brain damage injury to somebody who had an extremely high salary and a valuable career. Short of a death case, it is hard to imagine that there could be a higher value of interest than in the present matter. Everything is at stake for Captain Myers. His claim is denied, his financial and medical benefits are cut off and all of his actual conditions are denied."

According to Lasken, AIG had initially offered a settlement of \$70,000, which Myers declined to accept. He

parted with his attorney in Portland and sought Lasken out to litigate the case.

It was a big decision for the Sisters attorney. He knew it was the biggest case he had ever taken, and that he would be going up against an adversary with tremendous legal and financial resources at their disposal.

"I had to make the decision whether I was willing to go all in or not," Lasken told *The Nugget*. "And I was. This was such a good man and such a grave injustice to be righted."

The case was enormously complex, which Judge Otto acknowledged in his July 31 orders:

"There is little doubt that the medical and legal posture of this case made it extraordinarily complex. The evidentiary record was enormous. The scientific explanations regarding airplane toxic fume exposures were highly technical and frequently not in agreement. The expert medical opinions were lengthy and, at times, diametrically opposed. In addition, the case has been in litigation for three years and part of the record included more than seventy years and thousands of pages of research articles."

Lasken brought in scientific experts from across the



PHOTO PROVIDED

Andrew K. Myers was an airline pilot until exposure to toxic fumes in an airplane left him with serious, ongoing medical problems.

country — and from across the Atlantic. Dr. Susan Michaelis, a global aviation accident investigator, was flown in from the UK for a hearing in March — just before the coronavirus pandemic shut down travel.

A full grasp of the science of the means and effects of toxic exposure was key to Lasken's case.

"I thought the science was on our side, and it was evolving," Lasken said.

The demands of the case were tremendous, particularly since this complex matter was only one among many cases Lasken's practice had to manage at the same time.

"A lot of people told me I was crazy to take the industry on by myself," he said. "It's a validation, if you will, of my ability to try a case this complex. And, I have to say, I couldn't have done it without (assistant) Wendy Rullman."

The Nugget reached out for comment to JetBlue and AIG's attorney Matthey M. Fisher, but did not hear back by press time.

Lasken said, "I have praise for him and his law firm. It was an ethical fight. Basically, it was a clean fight."

Lasken takes great satisfaction in prevailing in that battle.

"There was this feeling of trying to achieve a just cause that will affect Captain Myers and hundreds of other people across the world," he said.

The Sisters attorney believes that the case — and the science upon which it was based — will have a broad effect on the airline industry and the safety of airplane design around managing the risk from toxic chemical fumes.

That is the biggest hope for Myers' wife Wendy as well.

"Something has to be done; something has to change," she told *The*



PHOTO BY JIM CORNELIUS

Sisters attorney Glen Lasken, with assistant Wendy Rullman, part-time assistant Karissa Hester, and Lasken's papillon Mariposa, sat down in Lasken's COVID-safe "outdoor office" for an interview last week.

Nugget.

She noted that the workers' comp case will help with medical bills going forward, but said the main reason for the hard fight for the outcome was to help others.

"The biggest impact is a ruling that supports this problem," she said. "Maybe it will start to shed light on this problem so that it can be fixed."

That's a significant mark for a small workers' compensation practice based in Bend

and Sisters. And Lasken acknowledges that he paid a price in making it.

"It took a toll on me to manage this," he said.

The attorney doesn't have time to rest on his laurels just yet. He's got other cases to work, and, he said, "I've got a couple of years till I retire."

He does plan to reward himself for a job well done, though.

"I'm going to get a kayak," he said. "I've been wanting to do that."

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