

CASE NO: A-24-904360-C
Department 8

1 **COMP**
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5 Nevada Bar No. 12603
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DISTRICT COURT
CLARK COUNTY, NEVADA

EDDIE FRIERSON, an individual; ALBERTO
CARDOSO-RAMIREZ, an individual; and
ANA FIGUEROA-CUEVA, an individual,

CASE NO.:
DEPT NO.:

Plaintiffs,

vs.

FRONTIER AIRLINES, Inc., a Colorado
Corporation; Doe Individuals 1-XX, inclusive;
and ROE Entities 1-XX,

Defendants.

COMPLAINT

**ARBITRATION EXEMPTION
CLAIMED DECLARATORY
RELIEF REQUESTED
NRS 30 ET SEQ**

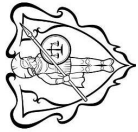
Plaintiffs Eddie Frierson, Alberto Cardoso-Ramirez and Ana Figueroa-Cueva (collectively
“Plaintiffs”) by and through their counsel, STEVE DIMOPOLOUS, ESQ., JARED B. KAHN, ESQ.,
and SCOTT R. COOK of DIMOPOULOS LAW FIRM, and for their Complaint against the
Defendant, and each of them alleges as follows:

JURISDICTION

1. At all times relevant herein, Plaintiff Eddie Frierson is and was a resident of San
Diego County, State of California.

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1 13. The October 5, 2024 crash landing was caused by Defendant’s failure to properly
2 repair, inspect, maintain, and operate the aircraft in a reasonable and safe manner.

3 14. Defendant is a common carrier under Nevada law, and thus it owed a heightened
4 standard of care that required it to exercise extraordinary, as opposed to ordinary care to its
5 passengers, including Plaintiffs. *See, First Transit Inc., v. Chernikoff, 445 P.3d 1253 (Nev. 2019).*

6 **FIRST CLAIM FOR RELIEF**

7 **(NEGLIGENCE)**

8 15. Plaintiffs repeat and reallege the allegations contained in Paragraphs 1 through 14, as
9 though fully set forth herein.

10 16. Defendant, a common carrier, owed a heightened duty to inspect, repair, maintain,
11 and operate the aircraft in a reasonable and safe manner. *See, First Transit Inc., v. Chernikoff, 445*
12 *P.3d 1253 (Nev. 2019); Sherman v. S. Pac. Co., 33 Nev. 385, 405 (Nev. 1910); NV J.I. 4NG.42*
13 *(2011).*

14 17. Defendant breached this duty by failing to properly inspect, maintain, repair, and
15 operate the aircraft in a reasonable manner.

16 18. As a direct and proximate result of Defendant’s negligence, Plaintiffs sustained
17 injuries to their bodies, as well as emotional trauma and distress.

18 19. As a direct and proximate result of Defendant’s negligence, Plaintiffs have incurred
19 and continue to incur emotional distress, pain and suffering, loss of enjoyment of life, loss of
20 household services, lost wages, lost earning capacity, medical expenses, and future medical
21 expenses, all to Plaintiffs’ general and special damages in an amount in excess of fifteen thousand
22 dollars (\$15,000.00).

23 20. Plaintiffs have been required to retain the services of an attorney and have incurred
24 costs of suit herein.

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1 **SECOND CLAIM FOR RELIEF**

2 **DECLARATORY RELIEF UNDER NRS 30, et seq., SEEKING DECLARATION OF**
3 **APPLICATION OF THE DOCTRINE OF RES IPSA LOQUITUR**

4 21. Plaintiffs incorporates by reference each and every allegation contained in paragraphs
5 1 through 20 as though more fully set forth herein and further alleges as follows.

6 22. This is an action for declaratory relief pursuant to Section 30, et seq., of the Nevada
7 Revised Statutes.

8 23. Plaintiffs seek declaratory relief in the form of a declaration that the doctrine of res
9 ipsa loquitur applies to the subject incident.

10 24. Defendant had heightened duty to inspect, repair and maintain the aircraft in an
11 airworthy and reasonably safe condition.

12 25. The plane and the operation of the same were solely within the Defendant's control,
13 which was a common carrier with the highest duty to its passengers.

14 26. The plane crash is of a kind that ordinarily does not occur in the absence of someone's
15 negligence.

16 27. The plane crash was caused within the exclusive control of the Defendant.

17 28. The plane crash was not due to any voluntary action or contribution on the part of the
18 Plaintiffs.

19 29. Defendant has superior knowledge of or are in a better position to explain the accident
20 for res ipsa loquitur to apply.

21 30. As a direct and proximate result of Defendant's negligence, Plaintiffs sustained
22 injuries to their bodies, as well as emotional trauma and distress.

23 31. A justifiable controversy exists between Plaintiffs and Defendant with respect to the
24 application of the doctrine of res ipsa loquitur to the subject accident.

25 32. These justifiable controversies concern Plaintiffs and Defendant's respective rights
26 regarding duty and breach for purposes of applying res ipsa loquitur to the cause of action for
27 negligence and therefore are ripe for judicial determination.

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1 33. Plaintiffs asks that this Honorable Court to enter declaratory relief in their favor and
 2 against Defendants, in accordance with NRS 30 *et seq.*, that the application of *res ipsa loquitor* applies
 3 to the subject incident and to the Defendant's breach of their duty to Plaintiffs.


4 34. In accordance with NRS 30.120, and NRS 18 *et seq.*, Plaintiffs are entitled to recover
 5 their attorney's fees and costs incurred.

6 **PRAYER FOR JUDGMENT**

7 WHEREFORE, Plaintiff expressly reserves the right to amend this Complaint at the time of
 8 trial of the actions herein to include all items of damages not yet ascertained, and demands Judgment
 9 against Defendants as follows:

- 10 1. General damages in excess of \$15,000.00.
- 11 2. Special damages in excess of \$15,000.00.
- 12 3. For declaratory relief as set forth above.
- 13 4. Lost wages in an amount yet to be determined.
- 14 5. Interest and costs incurred by the Plaintiff in bringing these claims.
- 15 6. Costs of suit incurred including reasonable attorneys' fees.
- 16 7. For such other relief as the Court deems just and proper.

15 Dated this 21st day of October 2024.

16 DIMOPOULOS INJURY LAW

 17
 18 STEVE DIMOPOULOS, ESQ., NV Bar No. 12729
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