

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

RONALD KRICK, Individually and on Behalf of the Estate of Oliver Krick; MARGARETA KRICK; CHRISTOPHER KRICK; DOUGLAS KEVORKIAN, Individually and on Behalf of the Estate of Ralph Kevorkian; LISA MICHELSON, Individually and on Behalf of the Estate of Yonatan Rojany; ERIC ROJANY; JODELLE GEARON, Individually and on Behalf of the Estate of Daniel Gaetke; TODD GAETKE; CRAIG GAETKE; WANDA KEMP, Individually and on Behalf of the Estates of O. Lamar Allen and Ashton Allen; CHRISTINE GROGAN; EILEEN ZAHARIOUDAKIS, Individually and Behalf of the Estate of Donald Gough; MICHAEL DETERESA; CHARLES HENRY GRAY, IV, Individually and on Behalf of the Estate of Charles Henry Gray, III; and CHADWICK GRAHAM GRAY.

Plaintiffs

v.

RAYTHEON COMPANY; RAYTHEON TECHNOLOGIES CORPORATION; LOCKHEED MARTIN CORPORATION; UNITED STATES MISSILE DEFENSE AGENCY; UNITED STATES DEPARTMENT OF DEFENSE; UNITED STATES NAVY; and DOES 1 through, 20, inclusive,

Defendants.

Judge: Hon. Angel Kelley

Case No. 1:22-cv-11032-AK

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR DAMAGES

I. INTRODUCTION

1. The crash of Trans World Airlines (TWA) Flight 800 (“TWA 800”) was one of the deadliest aviation incidents in the history of the United States. It also resulted in what could be considered one of the nation’s biggest cover-ups.

2. On July 17, 1996, a Boeing 747 headed for Paris took off from New York’s John F. Kennedy International Airport at around 8:20 p.m. Within twelve minutes of takeoff, the plane exploded and crashed into the Atlantic Ocean off the coast of Long Island, New York. All 230 passengers and crew members perished.

3. After the incident, the federal government released a false report contending that the explosion was the result of an electrical fire in the airplane’s center fuel tank.

4. Only recently, thanks to the work of physicist, Dr. Thomas Stalcup, through his Freedom of Information Act (“FOIA”) litigation in Massachusetts federal court, has evidence emerged proving that TWA 800’s explosion was not caused by any defect in the airplane, but instead by an errant United States missile fired at aerial target drones flying nearby.

5. The evidence unearthed by Dr. Stalcup establishes that the United States Missile Defense Agency (formerly known as the Ballistic Missile Defense Organization), the United States Department of Defense, and the United States Navy (the “Government Defendants”), acting in concert and working side-by-side with Raytheon Company (now known as Raytheon Technologies Corporation) and Lockheed Martin Corporation (the “Contractor Defendants”) and DOES 1 through 20, inclusive

(collectively the “Defendants”) were testing the Aegis Weapons System and firing SM-2 missiles with live warheads from warship(s) at aerial missile targets off the coast of New York in close proximity to commercial airline flight paths. One such missile struck TWA flight 800, causing it to break apart and crash into the Atlantic Ocean, killing everyone aboard.

6. Newly discovered evidence also shows that these Defendants engaged in a top-down cover-up to prevent the public from learning the truth about TWA 800. Proof of this cover-up, and of Defendants’ underlying culpability for the crash, was only recently unearthed by Dr. Stalcup after more than a decade of FOIA litigation against the Government Defendants.

7. Plaintiffs are the family members and estates of victims of the TWA 800 crash. They bring this action to hold the Defendants liable for their reckless conduct and subsequent cover-up, and to vindicate the rights of those wrongly killed in the TWA 800 crash.

II. JURISDICTION AND VENUE

8. This is a civil action for money damages against the United States Missile Defense Agency (formerly known as the Ballistic Missile Defense Organization), the United States Department of Defense, the United States Navy, Raytheon Company, Raytheon Technologies Corporation, Lockheed Martin Corporation, and DOES 1 through 20, inclusive, and their agents and employees. It arises from reckless and grossly negligent conduct and wrongful acts and omissions resulting in the death of 230

individuals aboard TWA 800 over the Atlantic Ocean, including the decedents represented by Plaintiffs herein.

9. Two of the Defendants named in this complaint are headquartered within the District of Massachusetts. Specifically, Defendant Raytheon Company and Defendant Raytheon Technologies Corporation both have their headquarters and principal places of business in Waltham, Massachusetts.

10. In addition, a related case, *Thomas Stalcup v. Department of Defense*, Case No. 1:13-cv-11967-LTS, has been pending in United States District Court, District of Massachusetts, for several years.

11. Plaintiffs assert their claims against the Government Defendants, United States Missile Defense Agency (formerly known as the Ballistic Missile Defense Organization), the United States Department of Defense, and the United States Navy, under the Federal Tort Claims Act (“FTCA”) 28 U.S.C. § 2671 *et seq.*

12. Jurisdiction over the subject matter of this case arises under 28 U.S.C. §§ 1331, 1332 and 28 U.S.C. § 1346(b).

13. This Court may properly assert personal jurisdiction over all of the named Defendants because of their presence and activity in, and connections to, this forum.

14. Venue is proper in this forum pursuant to 28 U.S.C. § 1402.

III. THE PARTIES

a. The Plaintiffs

15. Plaintiff Ronald Krick resides in Missouri. He is the father of Oliver Krick and brings this action individually and as personal representative on behalf of the Estate of Oliver Krick, who died on TWA 800.

16. Plaintiff Margareta Krick resides in Missouri. She is the mother of Oliver Krick and brings this action individually.

17. Plaintiff Christopher Krick resides in Missouri. He is the brother of Oliver Krick and brings this action individually.

18. Plaintiff Douglas Kevorkian resides in California. He is the son of Ralph G. Kevorkian and brings this action individually and as personal representative on behalf of the Estate of Ralph G. Kevorkian, who died on TWA 800.

19. Plaintiff Lisa Michelson resides in California. She is the mother of Yonatan Rojany and brings this action individually and as personal representative on behalf of the Estate of Yonatan Rojany, who died on TWA 800.

20. Plaintiff Eric Rojany resides in California. He is the brother of Yonatan Rojany and brings this action individually.

21. Plaintiff Jodelle Gearon resides in Kansas. She is the sister of Daniel Gaetke and brings this action individually and as personal representative on behalf of the Estate of Daniel Gaetke, who died on TWA 800.

22. Plaintiff Todd Gaetke resides in California. He is the brother of Daniel Gaetke and brings this action individually.

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