

Aircraft Lessor and Owner Liability: A Seemingly Clear Case of Federal Pre-Emption

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Despite seemingly clear federal statutory language that shields passive civil aircraft owners, secured parties and lessors which do not have actual possession or control of civil aircraft from civil liability after an aircraft accident, a number of plaintiffs have attempted, with some success, to hold passive finance parties liable after an aircraft accident based on various state law tort claims. This article examines these cases and the split they have caused in the courts as to the breadth of the immunity granted in the applicable federal statute, and goes on to explain the need for Congress to step in and clarify the scope of liability.

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