

Evan M. Kwarta

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He/Him

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About Evan

Evan's practice encompasses all aspects of aviation, mass tort, product liability, and commercial litigation. He has significant experience representing airlines, aircraft lessors, aircraft and component manufacturers, aerospace manufacturers, private aircraft owners, aviation defense contractors, traders, and insurers in federal and state courts at both the trial and appellate levels, as well as in mediation and arbitration.

He regularly represents clients in contract and business tort disputes involving air carriers, lessors, trading and conversion, private operators, and repossessions and counsels aerospace manufacturers in similar matters. Beyond litigation, Evan advises on regulatory compliance, leads contract negotiation and manages complex drafting and revisions, and provides general business counsel.

Evan's airline work includes death, injury, and related claims in courts throughout the country, including under the Montreal and Warsaw Conventions. Evan has also represented financial institutions and real estate businesses in breach of contract and commercial instrument disputes, and has advised clients across industries in employment matters.

Evan's Affiliations

- American Bar Association
- Association of Transportation Law Professionals, Board of Directors; Vice President; Former Treasurer

Areas of Focus

Industries: Aviation & Aerospace; Professional Services; Transportation & Mobility

Services: Appellate; Complex Commercial Litigation ; Insurance Coverage Litigation & Counseling; Labor & Employment; Litigation & Trial

Experience

- Represents one of the world's largest aerospace manufacturers in contract and property damage disputes with three customers.
- Represents Delta and Endeavor in litigation arising from the Flight 4819 inverted landing.
- Obtained a successful settlement on behalf of a large aircraft trader in a dispute with a passenger-to-cargo conversion systems company, resolving issues related to the conversion of dozens of A321-200 aircraft.
- Represented one of the world's largest aircraft lessors in a dispute with an airline and won half the case on summary judgment and half at trial. After the trial, assisted the lessor with redrafting significant portions of its template leases.
- Drafted a motion to dismiss that helped settle a wrongful death claim against an air carrier for the onboard death of an infant.
- Represented American Airlines and successfully settled all property damage cases in the multibillion-dollar tort litigation against the aviation defendants arising from the terrorist attacks of September 11, 2001.
- Represented an aircraft manufacturer and an insurer in the defense and counterclaim in claims arising from a midair collision and obtained a multimillion-dollar settlement.
- Represented airlines and private operators in claims against Boeing arising from the 737 MAX crisis, securing favorable settlements.
- Conducted regulatory due diligence on a large eVTOL manufacturer on behalf of a leading US private equity fund.
- Settled a claim for a leading US airline in connection with a claim against the manufacturer of defective aircraft parts.
- Represented Colgan Air in wrongful death litigations in connection with the February 2009 crash of Flight 3407.

Recognition

- *The Legal 500*, Key Lawyer, 2021
- Emory University School of Law, Order of the Advocates; Moot Court Special Teams

Credentials

Education

Emory University School of Law, JD

University of Michigan, BA

Bar Admissions

New York

Court Admissions

US Court of Appeals for the Ninth Circuit

US District Court for the Eastern District of New York

US District Court for the Southern District of New York

US District Court for the Eastern District of Michigan

US District Court for the Northern District of Texas

Interests

Did you know...

If Evan wasn't a lawyer, he would have like to have been a wildlife photographer.

Thought Leadership

Presentations

- Moderator, "eVTOLs: The Shifting Landscape," 94th Annual Meeting, Association of Transportation Law Professionals (ATLP), Toronto, Canada, June 27, 2023
- Panelist, "Modal Updates II," 94th Annual Meeting, Association of Transportation Law Professionals (ATLP), Toronto, Canada, June 27, 2023
- Moderator, "Violence Against Airline Cabin Crew: Why Violence is on the Rise and the Legal Challenges in Reducing It," 93rd Annual Meeting, Association of Transportation Law Professionals (ATLP), Kansas City, Missouri, June 28, 2022
- Aviation Case Law Developments," 93rd Annual Meeting, Association of Transportation Law Professionals (ATLP), Kansas City, Missouri, June 26, 2022
- Moderator, "The Boeing 737 MAX Crisis: Causes and Consequences," 92nd Annual Meeting, Association of Transportation Law Professionals, Virtual Event, June 22, 2021
- Panelist, "Modal Updates," 92nd Annual Meeting, Association of Transportation Law Professionals (ATLP), Virtual Event, June 15, 2021

- Panelist, “Recent Aviation Case Law Developments,” 91st Annual Meeting, Association of Transportation Law Professionals, Virtual Event, June 23, 2020

Publications

- Co-Author, “The September 11, 2001 Terrorist Attack and Litigation Aftermath,” *IADC’s Defense Counsel Journal*, v. 86, no. 2, April 2019
- Co-Author, “The 9/11 Litigation: A Retrospective,” Southern Methodist University Dedman School of Law Air Law Symposium, 2016

Evan also is a frequent contributor to critical developments in aviation litigation. His articles include:

- “U.S. District Court Dismisses Montreal Convention Claim as Time-Barred After Plaintiff’s Attorney Cites to Fake Cases with Contrary Holdings,” Association of Transportation Law Professionals (ATLP), July 2023
- “The U.S. Court of Appeals for the Fifth Circuit Holds that State-Law Claims Brought by Disabled Passengers who Refused to Mask on Flights During Covid are Preempted,” Association of Transportation Law Professionals (ATLP) May 2023
- Co-Author, “The U.S. District Court for the District of New Jersey Holds that the ACAA Does Not Completely Preempt State Law Negligence Claims and Does Not Present a Substantial Federal Question Necessary for the Exercise of Federal Jurisdiction,” Association of Transportation Law Professionals (ATLP), February 2023
- “Tenth Circuit Holds that Personal Injury Claims are Not Necessarily Preempted by the Airline Deregulation Act,” Association of Transportation Law Professionals (ATLP), December 2022
- “U.S. District Court Denies Boeing Motion to Dismiss Fraud and Misrepresentation Claims Arising from 737 MAX Grounding,” Association of Transportation Law Professionals (ATLP), October 2022
- “U.S. District Court Holds that Airline Deregulation Act Preempts Passenger Claim that Airline Negligently Failed to Prevent Cocaine Being Planted in his Suitcase,” Association of Transportation Law Professionals (ATLP), July 2022
- “Texas State Court of Appeals Revives Southwest Airlines’ Pilots’ Union Action Against Boeing Arising from the Grounding of the 737 MAX, Ruling that the Railway Labor Act Does Not Preempt the Union’s State-Law Claims because Boeing is not an Air Carrier,” Association of Transportation Law Professionals (ATLP), May 2022
- “U.S. District Court Reaffirms the Preemptive Effect of the Montreal Convention,” Association of Transportation Law Professionals (ATLP), March 2022
- “U.S. District Court Dismisses Sexual Assault Claims Against Airline and its Holding Company that Occurred on International Flight for Lack of Personal Jurisdiction and Preemption under the Montreal Convention,” Association of Transportation Law Professionals (ATLP), July 2021
- “U.S. District Court Holds that Choice of Law Provision in Carrier’s Contract of Carriage Applied to All Aspects of Plaintiff’s Personal Injury Claim Arising from Rough Landing,” Association of Transportation Law Professionals (ATLP), May 2021
- “U.S. District Court Upholds Rule that the Montreal Convention Does not Provide a Basis for Personal Jurisdiction,” Association of Transportation Law Professionals (ATLP), March 2021

- “D.C. Circuit Affirms District Court Decision to Dismiss Malaysia Airlines Flight MH370 Claims on Forum non-Conveniens Grounds,” Association of Transportation Law Professionals (ATLP), September 2020
- “Federal Court Dismisses Montreal Convention Claims to Germany on Forum non Conveniens Grounds,” Association of Transportation Law Professionals (ATLP), July 2020
- “Eleventh Circuit Rejects Appeal of Woman Injured because Her Seatbelt was not Fastened,” Association of Transportation Law Professionals (ATLP), May 2020
- “Federal Court Dismisses State Law Claims Alleging Conspiracy Between Boeing and Southwest Airlines,” Association of Transportation Law Professionals (ATLP), February 2020
- “No “Acting Under” Federal Question Jurisdiction for Self-Certifying Aircraft Manufacturer,” Association of Transportation Law Professionals (ATLP), December 2019
- “Airline Wins Motion to Dismiss Arising from Flights Canceled because Airline Ran Out of De-Icer Fluid,” Association of Transportation Law Professionals (ATLP), October 2019
- “Third Circuit Holds that State-law Aircraft Design Defect Claims are Preempted,” Association of Transportation Law Professionals (ATLP), November 2018
- “District Court Defendant’s “Sham Affidavit” Argument, and Denies its Summary Judgment Motion on Whether an “Accident” Caused Plaintiff’s Injuries,” Association of Transportation Law Professionals (ATLP), March 2018
- “District Court Dismisses Claim for Lack of Personal Jurisdiction Against Airline Because Flight Took Place Outside of the United States,” Association of Transportation Law Professionals (ATLP), January 2018

Hinshaw Alert

- FAA’s Michael Whitaker Appointed Administrator Amidst Industrial and Bureaucratic Turbulence, Dec 6, 2023

Press Release

- Experienced Aviation Partner Evan Kwarta Joins Hinshaw in New York, Jul 24, 2023