



## Evan M. Kwarta

**Partner**  
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Evan Kwarta's practice encompasses all aspects of aviation, mass tort, product liability, and commercial litigation.

Evan has significant experience representing airlines, aircraft lessors, aircraft and component manufacturers, private aircraft owners, aviation defense contractors, and insurers in federal and state courts at both the trial and appellate levels and in mediation and arbitration. In addition to his litigation experience, Evan handles regulatory compliance matters and disputes, contract drafting, editing, and negotiation, and provides general business counsel. He regularly represents clients in contract and business tort disputes involving air carriers, lessors, mortgagors, private operators, and repossession. Additionally, he counsels aircraft purchasers, commercial air carriers, private operators, and other entities in disputes with manufacturers.

Evan represents financial institutions and real estate businesses in commercial cases involving breach of contract disputes, contractual issues, and commercial instrument matters and has represented clients across various industries in employment matters.

### Professional Affiliations

- American Bar Association
- Association of Transportation Law Professionals, Board of Directors, Treasurer, and former Vice President

### Honors & Awards

- Professional
  - Recognized as a Key Lawyer by *The Legal 500*, 2021
- Academic
  - Emory University School of Law
    - Order of the Advocates
    - Competitively selected for Moot Court Special Teams

### Practices

Commercial Litigation  
Professional Liability  
Architects & Engineers Liability  
Labor & Employment  
Appellate

### Industries

Aviation & Aerospace  
Insurance Coverage  
Transportation

### Education

J.D., Emory University School of Law  
B.A., University of Michigan

### Admissions

New York  
U.S. Court of Appeals for the Ninth Circuit  
U.S. District Court for the Eastern District of Michigan  
U.S. District Court for the Eastern and Southern Districts of New York  
U.S. District Court for the Northern District of Texas



## Representative Matters

- Represented one of the world's largest aircraft lessors in a dispute with an airline and won half the case on summary judgment and the other half at trial. After the case, assisted lessees with redrafting significant portions of template leases.
- Conducted regulatory due diligence on a large eVTOL manufacturer on behalf of a leading US private equity fund.
- Represented airlines and private operators in connection with claims against Boeing arising from the 737 MAX crisis and obtained favorable settlements.
- Represented one of the world's largest commercial aircraft manufacturers in an alleged defect dispute against an air carrier.
- Successfully settled a claim for a leading U.S. airline in connection with a claim against the manufacturer of defective aircraft parts.
- Represented aircraft manufacturer and insurer in defense and counterclaim in claims arising from a midair collision and obtained a multi-million-dollar settlement.
- Represented American Airlines and successfully settled all property damage cases in the multi-billion-dollar tort litigation against the aviation defendants arising from the terrorist attacks of September 11, 2001.
- Represented Colgan Air in wrongful death litigations in connection with the February 2009 crash of Flight 3407.
- Successfully represent air carriers in connection with injury claims under the Montreal and Warsaw Conventions, as well as under U.S. law.

## 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

## Personal

Evan lives with his wife and two young daughters, and is actively involved with the universities that he attended.



## Community/Civic Activities

Evan is a volunteer softball coach for the Syosset Little League.