

CALIFORNIA COURT OF APPEAL, FOURTH DISTRICT, DIVISION ONE

Nachsin v. De La Bretonne

17 Cal. App. 3d 637, 95 Cal. Rptr. 227 (Cal. Ct. App. 1971) · No. 10198 · Decided May 18, 1971

SUMMARY

The California Court of Appeal held that, under California law applicable at the time of the crash, a nonnegligent aircraft owner was not liable for negligence by a permittee pilot absent an independent basis for liability. The court also held that the Federal Aviation Act's definitional provision did not create a civil remedy or preempt state tort law on imputed negligence.

CASE DETAILS

COURT	California Court of Appeal, Fourth District, Division One
WRITING FOR THE COURT	Gerald Brown, Presiding Justice; Coughlin, Justice; Whelan, Justice
JURISDICTION	California
DECIDED	May 18, 1971
DOCKET	10198
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff appealed from a judgment for the defendant after the parties stipulated to the material facts and the trial court rejected liability based on imputed pilot negligence and the Federal Aviation Act.
STANDARD OF REVIEW	The material facts were stipulated, and the appellate court reviewed the legal issues concerning imputed negligence and statutory interpretation de novo.
PRECEDENTIAL VALUE	Published California Court of Appeal opinion
PARTIES	Sylvia Nachsin v. Charles De La Bretonne

TOPICS

- negligence
- vicarious liability
- statutory interpretation
- federalism
- torts

PRACTICE AREAS

- aviation torts
- negligence
- vicarious liability
- federal aviation law

QUESTIONS PRESENTED

1. Whether, under California tort law applicable to similar relationships on land or water, a nonnegligent aircraft owner may be held liable for negligence of a permittee pilot.
2. Whether the Federal Aviation Act of 1958, particularly 49 U.S.C. § 1301(26), creates a civil remedy or imputes a pilot's negligence to an aircraft owner or lessor.
3. Whether federal aviation legislation preempts state tort law governing civil remedies for damages arising from aircraft operation.

HOLDINGS

1. At common law, absent independent negligence by the owner or a special relationship between the owner and pilot, the pilot's negligence is not imputable to the aircraft owner.
2. The Federal Aviation Act's definitional provision, 49 U.S.C. § 1301(26), does not create a civil remedy or independently impose liability on an aircraft owner or lessor for a pilot's negligence.
3. Congress did not preempt state tort law insofar as civil remedies for damages arising from aircraft operation are concerned.

KEY QUOTATIONS

“At common law negligence of the pilot alone, absent any independent negligence of the owner or any special relationship between owner and pilot, is not imputable to the owner.” (at 639)

“Nor did Congress preempt the field through the Federal Aviation Act insofar as civil remedies for damages are concerned.” (at 640)

FACTUAL BACKGROUND

Samuel Nachsin died when a Piper Cherokee aircraft crashed because of the pilot's negligence. The pilot operated the aircraft with owner Charles De La Bretonne's permission, but De La Bretonne was not independently negligent. Sylvia Nachsin, the decedent's widow and sole heir, claimed \$50,000 in damages.

PROCEDURAL HISTORY

The parties stipulated that the decedent died as a result of the pilot's negligence in an airplane crash and that the defendant aircraft owner was not independently negligent. The trial court entered judgment for the defendant, concluding that the pilot's negligence was not imputable to the nonnegligent owner under California law and that the Federal Aviation Act did not create a civil remedy based on imputed negligence. The California Court of Appeal affirmed.

DISPOSITION

affirmed

CASES CITED

- Johnson v. Central Aviation Corp., 103 Cal. App. 2d 102, 229 P.2d 114 (1951)

- Boyd v. White, 128 Cal. App. 2d 641, 276 P.2d 92 (1954)
- Rogers v. Ray Gardner Flying Service, Inc., 435 F.2d 1389 (5th Cir. 1970)
- Rosdail v. Western Aviation, Inc., 297 F. Supp. 681 (D. Colo. 1969)

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