

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Melvin O'Carroll v. American Airlines, Inc., Chaparral Airlines, Inc.

863 F.2d 11 (5th Cir. 1989) · No. No. 88-2560 · Decided January 12, 1989

SUMMARY

The Fifth Circuit held that the plaintiff's state-law claims arising from his removal from an airline flight were expressly preempted by the Airline Deregulation Act's federal-preemption provision. The court vacated the district court judgment for lack of subject-matter jurisdiction and later denied rehearing, concluding that the preemption provision controlled over the federal statute preserving common-law remedies.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Clark, Chief Judge; Johnson, Circuit Judge; Jolly, Circuit Judge
JURISDICTION	Federal
DECIDED	January 12, 1989
DOCKET	No. 88-2560
DISPOSITION	vacated
PROCEDURAL POSTURE	Chaparral Airlines appealed from a judgment entered on a jury verdict awarding O'Carroll damages on state-law claims arising from his removal from a flight. The Fifth Circuit considered whether federal aviation law preempted those claims and whether the district court therefore had subject matter jurisdiction.
STANDARD OF REVIEW	De novo review of the district court's subject matter jurisdiction and the preemption issue.
PRECEDENTIAL VALUE	precedential
PARTIES	Chaparral Airlines, Inc. v. Melvin O'Carroll

TOPICS

- subject matter jurisdiction
- statutory interpretation
- federalism
- appellate procedure
- civil procedure

PRACTICE AREAS

- aviation law
- federal preemption
- federal jurisdiction
- civil procedure

QUESTIONS PRESENTED

1. Whether the Federal Aviation Act expressly preempted O'Carroll's state-law claims concerning his exclusion from air transportation.
2. Whether the district court had subject matter jurisdiction over the action after the asserted state-law claims were preempted by federal law.
3. Whether 49 U.S.C. § 1506 preserved O'Carroll's state-law negligence claims despite the later-enacted express preemption provision in 49 U.S.C. App. § 1305.

HOLDINGS

1. 49 U.S.C. App. § 1305 expressly preempted O'Carroll's common-law and other state-law claims because they related to the services of an air carrier.
2. The district court lacked subject matter jurisdiction over the action because the complaint alleged only state-law claims that were preempted by federal law.
3. Section 1305 controlled over § 1506 because § 1305 was enacted later and specifically addressed federal preemption; therefore, § 1506 did not preserve the asserted state-law claims.

KEY QUOTATIONS

“Subject to reasonable rules and regulations prescribed by the Secretary of Transportation, any such carrier may also refuse transportation of a passenger or property when, in the opinion of the carrier, such transportation would or might be inimical to safety of flight.” (¶ 6)

“[N]o State ... shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to rates, routes, or services of any air carrier having authority under subchapter IV of this chapter to provide air transportation.” (¶ 11)

“Nothing contained in this chapter shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this chapter are in addition to such remedies.” (¶ 16)

FACTUAL BACKGROUND

O'Carroll held a Chaparral ticket for a trip from Portland, Maine, to Alexandria, Louisiana, including a final flight segment from Dallas to Alexandria. While intoxicated and traveling with his cousin, he became loud and boisterous, refused a flight attendant's request to deplane and address a ticket irregularity, and was removed from the aircraft by police after the captain summoned them. He was subsequently charged with disorderly conduct and jailed, then brought state-law claims alleging wrongful exclusion from the flight.

PROCEDURAL HISTORY

O'Carroll sued in the United States District Court for the Eastern District of Texas, asserting state-law claims based on his alleged wrongful exclusion from a Chaparral flight. After a jury awarded him \$260,273.23, the magistrate denied Chaparral's motion for judgment notwithstanding the verdict and its Rule 12(b)(6) motion to dismiss, then entered judgment on the verdict. The Fifth Circuit vacated the judgment for lack of subject matter jurisdiction. The court later denied O'Carroll's petition for rehearing.

DISPOSITION

vacated

CASES CITED

- Shaw v. Delta Air Lines, 463 U.S. 85, 95 (1983)
- Rice v. Santa Fe Elevator Corp., 331 U.S. 218, 230 (1947)
- Florida Lime & Avocado Growers, Inc. v. Paul, 373 U.S. 132, 142-43 (1963)
- Hines v. Davidowitz, 312 U.S. 52, 67-68 (1941)
- Michigan Canners & Freezers Ass'n v. Agricultural Marketing & Bargaining Board, 467 U.S. 461, 469 (1984)
- Diefenthal v. C.A.B., 681 F.2d 1039, 1050 (5th Cir. 1982)
- Mason v. Belieu, 543 F.2d 215 (D.C. Cir. 1976)
- Cipollone v. Liggett Group, Inc., 593 F. Supp. 1146 (D.N.J. 1984), rev'd on other grounds, 789 F.2d 181 (3d Cir. 1986)