

Huntsville Air Show 2008 Sued for 5-Year-Old Boy's Wrongful Death

On behalf of Johnston, Moore & Thompson

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The family of Josiah Miller, a 5-year-old boy who was killed at the 2008 Air Show at the Huntsville International Airport, has filed a [wrongful death](#) lawsuit against the organizers of the air show, the Huntsville-Madison County Airport Authority and All Needz Rental. They claim that those groups share responsibility for the accident that led to Josiah's death.

According to the family's complaint, Josiah and Jason Miller, his father, took shelter behind one of the tents during a thunderstorm. Several of the tents became dislodged because they were inadequately fastened down, and a large air conditioner attached to one of the tents fell on Josiah, causing fatal injuries.

"Our investigation has concluded that this was a preventable tragedy caused by negligent conduct," the Millers' attorney told the Huntsville Times.

Negligent Setup, Lack of Safety Inspection, Code Violations Blamed for Child's Death

The lawsuit outlines several areas where the defendants' alleged negligence caused the fatal accident:

Improper tent setup: According to the tent manufacturer's instructions, the tents needed to be pitched and staked individually, then secured with four pegs at the corners. Instead, the lawsuit alleges, the group of tents was erected in a line, with pegs securing one side, water barrels holding down the other, and no securement at the sides. To save money, prisoner labor rather than trained installers was brought in to pitch the tents.

Properly anchored, the tents should have been able to withstand winds of up to 60 mph, according to All Needz. The winds on the Sunday that Josiah died were recorded at 48 mph.

Lack of required inspections and fire code violations: The family claims that required safety inspections on the tents were never performed, the family claims. The air conditioning units and generators were set up closer to public areas than is allowed by the Huntsville fire code.

Failure to respond to earlier incidents and inadequate evacuation plans: Although the event was advertised to occur rain or shine, the only evacuation plan was to send people into the tents. Several of the tents had already become loose on the previous Friday because of high winds, and severe weather was forecast for the Sunday of the fatal accident, but the event's organizers did nothing to prevent further blow-downs.

The Millers' lawyer says the family is still grieving for Josiah's loss. "It is the Miller family's sincere hope that this case will ensure that this type of a preventable tragedy never occurs again," he said.

Spokespeople for All Needz and the Huntsville-Madison County Airport Authority had no comment on the litigation. The wrongful death case is set for trial in August 2011.

Related Resource:

["Lawsuit alleges child's 2008 air show death was due to organizer negligence"](#) (The Huntsville Times, June 24, 2010)