CASE SUMMARY

This is a negligence case arising out of the death of Zeke Fortenberry as a result of a plane crash that occurred when a small single engine Piper Cygnet he was ferrying for a friend ran out of fuel during a flight from Kansas City, Missouri, to Dallas, Lone Star. Fortenberry, an experienced pilot, contacted Fort Worth Air Route Traffic Control declaring an emergency due to engine failure. He was told to look for a private airfield 10 miles from his position belonging to BBQ magnate Thomas “T. Bone” Thompson. Because it was near midnight, the private field would not be visible from the air unless a pilot “keyed” his microphone, at which time the runway lights would illuminate. Fortenberry keyed his microphone, but no lights came on at the private strip. Because his altitude was insufficient to allow him to navigate to any other field, Fortenberry crashed on Thompson’s South Fork Ranch. A subsequent NTSB investigation revealed that the plane’s engine was capable of producing power at the time of the crash, but had run out of fuel. The investigation also revealed that the pilot’s manual in the plane at the time of the crash was not the manual for the Piper Cygnet, and that the manual in the airplane incorrectly stated the fuel capacity. The investigation also showed that the Pilot Activated Lighting system on Thompson Ranch was inoperative at the time of the crash.