

How much is your child's life worth? For the past five years, that question has haunted the families of 16 Pennsylvania teenagers who died in the crash of TWA Flight 800. Now they have an answer. What they don't have is closure.

# A LOSS BEYOND MEASURE

BY STEPHANIE WILLIAMS | PHOTOGRAPHS BY JASON TODD

Irenay and Bob Weaver  
pray that their fight  
will make a difference.



## When it happens—your worst nightmare—it is nothing like you ever imagined.

It begins not with a knock on the door or a phone call, but with an image you flip past on your TV: the burning wreckage of a plane off the coast of Long Island.

“Bob, go back to that!” your wife Irenay hollers, rushing in from the dining room.

“There’s no way that’s Monica’s plane,” you tell her. Couldn’t be. She was due to take off hours ago. Besides, what are the chances, really, that the first time your 16-year-old daughter ever set foot on a jet, it would explode into thousands of pieces? Four million to one, maybe? About the same as her chances of winning the lottery?

Irenay is not listening. She scrambles back to the dining room and rummages frantically through a stack of papers for Monica’s itinerary. She checks the flight number—800—against the one flashed across the screen. It matches. She falls, moaning, to the living room carpet. “Get up!” you bark. There is nothing to moan about. Not yet. There’s no way to know for sure that Monica was on that plane.

You call the toll-free number on TV, but you can’t get through. So you walk the three blocks to the high school, where, just hours before, Monica and 15 other members of the Montoursville Area High School French Club, along with five chaperones, got on a bus for a four-hour ride from your Pennsylvania town to New York’s JFK airport. People are milling around, just like you are, wearing confusion and fear on their faces.

You will see them again several hours later, at 4 a.m., as you all board a bus for JFK to get some answers. But it is not until the next night—after the most agonizing day of your life—that you get confirmation of what Irenay already knew, due to moth-

er’s intuition. That when TWA Flight 800 exploded en route from New York to Paris on July 17, 1996, one of the 230 people aboard was your child.

**When your 16-year-old** daughter dies in such a horrific, unexpected way, money is the last thing on your mind. That certainly was the case with Bob and Irenay Weaver. In the weeks following the crash of TWA 800, they were preoccupied with other things, like whether or not divers would find Monica’s body—what was left of it.

Money was, however, on the minds of others. Within a week, lawyers began phoning the Montoursville families and sending brochures that the parents tossed, unopened, into piles. The lawyers knew that it is a virtual certainty that families of plane crash victims will recover some money—often a lot of it, an average of \$2.7 million per passenger. That’s two to three times as much as they’d get if their relatives died in a car accident. Society rewards those who live out our worst nightmares.

The lawyers also knew that in all likelihood, within a year, the Montoursville families would find themselves propelled into a protracted, maddening process—a cynical, nit-picking game—the sole purpose of which was to put a price tag on the lives of their loved ones. As the families would discover, it’s a process that often proves longest and cruelest and most surreal for those who’ve suffered what is arguably the most excruciating loss of all: the death of a child.

What the Montoursville families would go through over the next five years would have a profound impact on the way such lawsuits are handled. As they struggled to

find some accountability for the loss of their children, their ordeal would bring attention to an antiquated, arbitrary statute, one that hindered families from recovering money after such catastrophes. Even so, the process remains frustrating—and in some ways, futile. Most frustrating of all: The safety issues the Montoursville families would learn about, factors that likely contributed to the crash of the Boeing 747, may still pose dangers to fliers even today.

**For months after the** crash, Montoursville was in mourning. The tragedy was, by far, the hardest thing ever to hit this sleepy, former lumber-mill town of 5,000 in the heart of Pennsylvania, near the foot of Bald Eagle Mountain. Not until the fall of 1996, after a seemingly endless succession of funerals, could the families bring themselves to talk about legal action. Irenay Weaver, a preacher’s daughter who works part time at the local Methodist church, would just as soon the topic never came up.

She’d always read about people getting huge settlements and wondered, “Whatever for?” She told a grief counselor that suing people went against her beliefs. “Well, Irenay, I know you’re questioning it now,” he told her, “but think years from now, when lawsuits are being settled for a million dollars, and you’re not going to get anything because you didn’t participate. How are you going to feel then?” That stuck with her.

“The fathers,” as the grieving Montoursville dads took to calling themselves, began gathering at one another’s homes for support, and eventually, they found themselves discussing what ought to be done. “Most of us just wanted someone to say,



Steve Uzupis realized  
the only way to hurt  
Boeing was financially.

‘We’re sorry,’” recalls Bob Weaver. “We probably would have been okay with that.” But as months passed and neither answers nor apologies were forthcoming, the families grew increasingly frustrated.

One by one, they turned to local attorneys, who explained that because such cases are so complex, they are almost always handled by one of just a few law firms that specialize in them. The attorneys invited four such firms to town, and on a Saturday morning in early January, six months after the crash, the Montoursville parents gathered in a meeting room at a nearby community college and got a five-hour education in crash litigation.

The big-city attorneys quickly dispelled two popular theories about the crash. There was no evidence, they said, that a bomb had detonated on board or a missile had struck the plane. From a legal perspective, this was good news. If a bomb were to blame, the families would have to go after TWA for allowing the device on, but a treaty called the Warsaw Convention capped airlines’ liability for international flights at \$75,000 per victim, except in cases of gross negligence. And if it were a missile, the families would have a hard enough time proving who was responsible, let alone collecting money.

So what *did* cause the crash? Based on the experts they consulted, the lawyers be-

lieved that a fuel tank had exploded. That would make Boeing, the manufacturer, the primary target of the families’ lawsuits. The parents sat riveted at their tables, absorbing every word. But what really got their attention was what the lawyers said next: For years the National Transportation Safety Board had been calling for design changes to make fuel tanks less volatile, but airlines were unwilling to pay for modifications they felt were unnecessary.

At the far right of the room, Steve Uzupis seethed silently. Just five months before, he had brought home the body of his daughter, Larissa, on what would have been her 16th birthday; her friends had been waiting at his house with a cake they had baked in her honor. Now he found himself staring at a handout listing previous crashes caused by fuel-tank explosions. They dated back to 1976. *You mean to tell me that what caused my daughter’s death is something they knew about? Why didn’t they fix it?* Uzupis asked himself, his outrage growing. *You mean it comes down to cost? Well, gosh, how much does it cost? I’ll pay it!*

Uzupis, a handsome, 45-year-old divorcé who works as an executive at a library supplier, projects a calm, refined air. But sitting at that meeting, listening to what those lawyers were saying, all he could think about was revenge. He wanted someone to

pay. He wanted to punish Boeing or TWA or whoever the hell had killed his daughter.

“A lot of you are probably feeling that you want to get even with Boeing,” one lawyer said, seeming to read Uzupis’s mind. “The only thing you can do is try to hit them where it hurts, and that’s financially.”

If there were any lingering doubts about filing lawsuits, they were gone after that. The parents were determined to send Boeing a message: *You can’t afford the occasional crash.* Though each would have to file its own suit, the families felt they’d have more negotiating power if they stuck together and hired the same lawyers. The fathers liked Frank Granito Jr., a former Navy pilot involved in aviation litigation for 40 years; the mothers felt comfortable with his son, Frank Granito III, a clean-cut charmer. Eventually, 15 of the 16 families settled on the Granitos’ Manhattan firm, Speiser, Krause, Nolan & Granito, agreeing to pay the firm 18 percent of whatever it recovered.

“Young Frank,” as some called Granito III, told his new clients they could be as involved in their cases as they wished. He didn’t count on Will Rogers. “You know more about this case than I do,” Granito once told him. Rogers, a stay-at-home dad who’d devoted his life to raising his only child, Kimberly, had gotten emotional at



Larissa Uzupis



Monica Weaver



Kimberly Rogers

just the idea of her leaving for Paris. Waving goodbye as she boarded the bus for JFK had brought him to tears. Irenay Weaver had put her arm around him and said, “Oh, Will, they’ll be back in 10 days.”

That they didn’t return almost killed him. “I felt as though I had been gored by the most ferocious of bulls and stitched up inside with barbed wire,” Rogers later reflected. He began devoting the time he’d once spent playing Mr. Mom to surfing the Internet incessantly for information about the inner workings of the 747. He’d often arrive breathless at the Weavers’ door to share some nugget he’d gleaned about scavenger pumps or fuel vapors. Often, Young Frank would come to town to brief his clients, only to find that Rogers had already explained the latest NTSB findings.

shy of the anniversary of his daughter’s death, Will Rogers got a chance to do his part. The frail man with shockingly red hair stood in front of a congressional subcommittee and lovingly described the members of the French club. “I ask you, what group of people could be worth more?” he said, his hands shaking but his voice steady. “Yet as the law now stands, these wonderful young people, socially active already, would be labeled worthless human beings and non-contributors to our world and our society. Because of what? Because the doomed airliner they were on passed across an invisible line on the ocean’s floor?”

It was a moving speech, but one that seemed to have little effect. Over the next three years, Rogers watched two Congresses adjourn without amending DOHSA. As

attend the NTSB’s final hearing on the crash. There was more good news. The final report echoed what the parents’ lawyers had asserted all along: that the probable cause of the crash was an explosion in the center wing fuel tank, most likely triggered by a short-circuit. The NTSB recommended that the Federal Aviation Administration require that fuel tanks be made less flammable. Several times during the hearing, the families interrupted the otherwise-staid proceedings by bursting into applause.

But once again, Rogers found the news bittersweet. During one break in the hearing, his wife, Kathy, found him outside, struggling against the wind to light a cigarette. He looked so weak she was afraid he’d tip over. Rogers knew that the NTSB had been making the same recommendation

‘These wonderful young people . . . would be labeled worthless human beings,’ one of the fathers told Congress. ‘Because of what? Because the doomed airliner they were on passed across an invisible line on the ocean’s floor?’

Rogers quickly schooled himself in the relevant laws—becoming particularly obsessed with one federal statute, dating from the 1920s, called the Death on the High Seas Act, which dealt with fatalities that occurred more than 3 miles from U.S. shores. DOHSA recognized only *economic* damages such as lost income, not noneconomic factors—such as the families’ grief or loss of companionship—which most states recognize. Boeing was arguing that DOHSA should apply to all of the TWA cases because the plane had gone down 9 miles out. It would mean, in essence, that the lives of the Montoursville teenagers were worth little in the eyes of the law.

Steve Uzupis, for one, was dumbfounded when Will Rogers explained this to him. “You’ve got to be kidding me,” he blurted out. Bob Weaver was equally dismayed. “It didn’t make sense,” he says. “If my kid was two and a half or three and a half miles out, what’s the difference?”

For years, plaintiffs’ advocates had been fighting to change the law, watching as family after family walked away virtually empty-handed because of it. In July 1997, one week

the lawsuits plodded along, the struggle began to take a toll on Rogers. A diabetic, he had never been in the best of health; twice, Kim had saved him from going into a coma by getting him sugar during a hypoglycemic attack. Now, as he lived and breathed the crash, spending many sleepless nights agonizing over the slow workings of the legal system, Rogers got frailer and frailer.

Just when it looked as though the families might have to settle for little money, things suddenly started going their way. In March 2000 an appeals court upheld a pre-trial judge’s ruling that DOHSA didn’t apply to the TWA cases, agreeing that the “high seas” didn’t start until 12 miles out, given a 1988 presidential proclamation extending U.S. waters. In April, for good measure, Congress voted to amend DOHSA to reflect the presidential proclamation and to allow for some noneconomic losses. Rogers watched the proceedings on C-Span. “It is probably one of the saddest things to be happy about that I know of,” he remarked.

Four months later, in August 2000, Rogers and several other Montoursville parents made yet another trip to Washington to

since 1963 and had gotten little response from the FAA. “I’m worried that the FAA is going to drag their feet until more lives are lost,” he told his wife.

Still, in terms of the families’ cases, the NTSB report was a victory. Though Boeing continued to maintain that other explanations for the crash, including the missile theory, could not be ruled out, the report left little doubt that the plane’s design played a role in the explosion. Backed into a corner, Boeing was finally willing to make a deal and put a value on the lives of the French club members. Now it was time to ask the heartbreaking question, *How much?*

**The answer rested** on a contentious issue: Now that DOHSA had been ruled irrelevant, which laws applied? That would have a huge impact on how much money the families could get.

The Granitos believed that Pennsylvania law, which was unusually generous, should apply because that’s where the victims had lived. Pennsylvania is one of the few states allowing the recovery of economic losses when children die. A jury could consider

how much the French club members would have earned over the course of their lives if, say, Monica Weaver had gone on to become a physical therapist; Larissa Uzupis, a computer consultant; Kim Rogers, a pharmacist. But because TWA 800 had taken off from JFK, the pretrial judge might rule that New York's statutes applied. And when it comes to a non-wage earner like a child or retiree, New York law is as stingy as the unamended DOHSA. Another possibility: general maritime law, which is also restrictive in that it would rule out economic losses in the case of the Montoursville children.

It was a tough call—one the judge would never make. Instead, to keep the cases from dragging on, he encouraged the parties to settle. The time had come to start talking seriously about money.

very easy to refuse," says Steve Uzupis—and the cases headed for the usual destination: voluntary, nonbinding mediation.

The Granitos decided that one family would represent all the parents, to illustrate to Boeing what a jury might see if the cases went to trial. They had the perfect candidates: Bob and Irenay Weaver. Why them? Partly because they were willing to do it. Partly because they are hard-working, unassuming people who were unlikely to fly off the handle in court. It also didn't hurt that Monica had helped care for her older sister, who has severe cerebral palsy. That could be viewed as an economic loss for the family—a loss of service.

And so this past February, on an unusually warm winter morning, Bob and Irenay walked nervously into a judge's cham-

stepped out of the silent room, sobbing too hard to gauge the reaction they had made.

Back in that room, the critical moment had arrived—the culmination of five years of hand-wringing and legal wrangling. After each team of attorneys proposed what it considered a suitable figure, the judge wrote a number on a piece of paper: the amount he deemed fair for Boeing to pay each family. Though the families and the attorneys are bound by law to keep the number confidential, a source close to the negotiation places the amount at slightly more than \$2.5 million per victim.

"That's plenty. I don't want to go any further," Irenay said in the car on the long drive back to Montoursville. Boeing still had to agree to the number, but if it did, Bob, too, was willing to end the fight. As

It sickened the parents to think that the 16 teenagers might be 'worth' 16 different amounts, since each of their earning potentials was unique. **'Their lives all have equal value** in the eyes of God,' says one mother.

All throughout Montoursville, at the Granitos' request, parents pulled out their photo albums, home videos and scrapbooks full of report cards to help Boeing arrive at appropriate sums of money for the lives of their smart, beautiful, irreplaceable children. The nature of the endeavor hit Steve Uzupis so hard that he wrote his lawyers a letter saying he was sickened by the process.

Even more disconcerting was the thought that the 16 teenagers might be "worth" 16 different amounts, since each of their lives, and earning potentials, was unique. Irenay Weaver imagined the horror of running into another mother at the grocery store, knowing that she'd gotten far less for her daughter's life than the Weavers had. "I think about the 230 people on the plane—their lives all have equal value in the eyes of God," Irenay says.

Boeing didn't want to see such inequities either. If one family's settlement—or jury award—were particularly large, the other families might demand the same. So Boeing decided to make identical offers to the 16 families. On the Granitos' advice, the families brushed aside that initial offer—"It was

bers in Manhattan and sat down to talk about their Monica. Bob began by passing out pictures of her to the judge and defense attorneys. Then he delivered what the Granitos later described as "controlled anger." "I want someone at Boeing to know," he said forcefully, "that we want this to never happen again." If Boeing didn't deliver a respectable number, he vowed, he would take the case to trial.

Then it was Irenay's turn. She pulled out the stationery on which she'd scribbled a poignant essay the night before. "Can I capture the essence of my daughter for you?" she began reading softly. "Can I share with you her spirit, her fun side, her serious side, her intelligence, her creativity, her integral part in our family? *No*. Can I share the loss of our future with you? *No*. Because you could never comprehend." She talked about how she has kept Monica's room just as her daughter left it, with her prom dress still hanging up, gathering dust. She talked about reading the autopsy report and finding out that her daughter's body had been broken, and eaten by fish. Fifteen minutes later, when she was done, she and Bob

much as he still wanted accountability, he was pragmatic enough to accept the truth: A trial would not deliver it. Because Boeing was willing to pay damages, its liability would not be at issue in court. "The only thing on trial will be your loved ones," the Granitos had told the families. The defense might try to poke holes in their relationship with their kids and show that the teenagers wouldn't have amounted to much.

A week after the mediation, Young Frank was back in Montoursville, delivering the news that Boeing had agreed to the judge's number. It was, Granito told the families, a "very significant" amount for a child in such settlements. If only one or two families turned down the offer, he explained, Boeing might still honor it, but there was no guarantee.

More than a month went by as the Weavers waited anxiously for the other families to make up their minds. They expected one or two holdouts; some still seemed too angry to let go of the fight. Finally, in mid-March, a letter arrived from the Granitos listing the families who'd agreed to settle. Irenay counted the list twice

before breathing a huge sigh of relief. “Bob, look,” she called to her husband. “It looks like *everyone* took the offer.”

The show of solidarity surprised some in the airline litigation field. Presented with an inequitable system, the Montoursville families had made their own equity. “I don’t think Frank expected the families to stay together as much as we’ve stayed together,” says Steve Uzupis. “But we all paid the price to join our club, and, boy, it creates a bond.”

One name, however, did not appear on the list: Five months earlier, in October, Will Rogers finally succumbed to complications from diabetes. In the eyes of many in Montoursville, the crash of TWA 800 had claimed one last victim.

**In the annals** of aviation litigation, Montoursville is considered a success story. This summer, somewhere in the neighborhood of \$30 million, tax free, will pour into the town, after the lawyers take their cut. But the impact of the cases goes far beyond that. The changes in DOHSA, spurred in part by Montoursville’s plight, mean that families will no longer face the indignity of a law that doesn’t recognize their loss. Also in the wake of the TWA tragedy, Congress passed the Aviation Family Assistance Act, which, among other things, put procedures in place to speed notification after a crash and made it illegal for lawyers to contact families within 45 days.

Another change, one in the works even before Flight 800 went down, should simplify the litigation process after crashes of international flights. Recognizing how expensive it is to fight liability, the world’s major airlines have agreed to pay full damages—as determined by the victims’ home states—within nine months of such a crash, unless the airline can meet the heavy burden of proving it was entirely free of blame.

All of this is small consolation to Bob Weaver. “I wish it hadn’t been my kid who made a difference,” he says.

He and his wife struggle with the notion that they are about to become millionaires because of their daughter’s death. The Weavers, who always figured they’d have to take out a second mortgage to pay for Monica’s college education, now find themselves in the position of being able to send



their 16-year-old son, Ryan, to any college he wants—and pay cash for it. Sitting on the earth-tone plaid couch in her country-decorated living room filled with photographs of Monica, Irenay frets about how the money might change her and her family. “There’s one thing I want to do, and that’s put in a new kitchen,” she says, “and *will I feel guilty*.” It is not a question.

She had joined the legal battle out of some vague sense of duty to her daughter. Now, as that fight comes to an end, she faces a cruel truth: The only thing the justice system has to offer her is money. And for all the rhetoric about hitting them where it hurts, the settlements won’t even put a dent in Boeing’s bottom line: A consortium of insurance companies is footing the bill.

The Weavers are also left with the realization that a similar tragedy could happen again. In fact, investigators have pinned the blame for a recent crash in Thailand on a fuel-tank explosion. In May, as a result of that accident and the TWA 800 crash, the FAA issued stricter rules governing the inspection and maintenance of fuel tanks. But those steps fall far short of the NTSB’s recommendation: that tanks be made less flammable through such measures as pumping in inert gases. An FAA advisory committee is considering that costly proposal, but the

**Since the crash, the FAA has issued stricter rules for fuel tanks, but they may not go far enough.**

airlines are expected to try to block it.

The hollowness of the Montoursville victory also eats at Steve Uzupis. To this day, he can’t talk about Larissa without his eyes clouding over. Over lunch at Tailwinds, one of his favorite local restaurants, where model airplanes dangle overhead, he pulls out a few well-worn photos. “These pictures in my wallet I’ve become accustomed to because I’ve looked at them a lot over the past five years,” he says. “But photo albums I don’t look at. It’s too painful.” He remains angry at Boeing and frustrated by what he sees as the airline industry’s inaction on the safety issues that may have contributed to his daughter’s death.

“As a father, you tend to want to fix problems,” he says. “This is your child, and in the back of your mind, there’s this feeling that you’re standing up for her, that you’re trying to make some meaning out of her death. To make something positive occur so it does not happen ever again. And the settlement means that the fight is over, and you know that the end result is not going to change anything. It’s a horrible feeling.

“It’s like, ‘Jeez, there should have been more to it than just this.’” **SM**