

potential customers, via website postings, social media, press releases, and even advertisements in the *Wall Street Journal*. The union has done so despite its own involvement in and undeniable knowledge that: (a) NetJets has consistently engaged in successful pilot hiring programs that have resulted in the hiring and retention of experienced and well-trained pilots; (b) NetJets has implemented and continues to update and improve its industry-leading and FAA-lauded training programs to ensure that all of its pilots are equipped with the knowledge, skills, and experience to handle any situations they may face in operating NetJets' aircraft; (c) NetJets has an unrivaled safety culture; and (d) NetJets' recent upgrades to its flight planning system and processes will enhance, not degrade, safety and service.

3. NJASAP's knowingly false statements are antithetical to the well-earned reputation NetJets has built as an industry leader in private aviation, constitute defamation *per se* under Ohio law, were made with actual malice, and have caused, are causing, and were clearly intended to cause harm (both actual and presumed) to NetJets' business interests, relationships, and reputation.

II. PARTIES, JURISDICTION, AND VENUE

4. Plaintiff NetJets Inc. is a Delaware corporation registered to do business in Ohio that maintains its principal place of business (i.e., headquarters) in Franklin County, Ohio—adjacent to the John Glenn Columbus International Airport. As a parent company, and through its various subsidiaries and affiliates, NetJets Inc. has more than 8,000 employees worldwide, with more than 1,900 based locally at the company's headquarters.

5. Plaintiff NetJets Aviation, Inc. ("NetJets Aviation") is a Delaware corporation registered to do business in Ohio that maintains its principal place of business in Franklin County, Ohio—also adjacent to the John Glenn Columbus International Airport. NetJets Aviation is a subsidiary of NetJets Inc. and is the holder of NetJets' Air Operator Certificate and Management

Specifications from the Federal Aviation Administration (“FAA”), which are necessary to NetJets’ operation of its private aviation programs, described below.

6. Defendant NJASAP is an association and labor union based in Franklin County, Ohio. Its membership consists solely of pilots employed by NetJets Aviation.

7. This Court has personal jurisdiction over the parties, and venue is proper in this Court, because all parties maintain their principal places of business in Franklin County, Ohio, and because NJASAP’s false and defamatory publications emanated from, have caused, and continue to cause harm to NetJets in Franklin County.

8. The State of Ohio possesses a substantial interest in regulating the conduct at issue. Ohio has a substantial interest in protecting its citizens from unlawful reputational harm. This is no less true for companies such as NetJets, which maintains its corporate headquarters in Columbus and employs, with its affiliated companies, thousands of locally-based employees.

III. FACTUAL BACKGROUND

A. NetJets’ Private Aviation Programs.

9. NetJets engages in, among other things, the sale and lease of fractional ownership interests in private jets and/or flying time on the same. Under NetJets’ fractional aircraft programs, multiple individuals or entities purchase or lease interests in aircraft that are managed and operated by NetJets. The shares are sold or leased in increments, with each share entitling the purchaser or lessee (referred to as “owners”) to a certain number of hours of flight time per year on that aircraft or others within NetJets’ fleet.

10. NetJets Aviation provides aircraft management and support services to the owners in NetJets’ U.S. fractional aircraft program. These management services include flight planning, dispatch, provision of crewmembers (including pilots), and aircraft repairs and maintenance.

11. There are more than 740 aircraft worldwide in NetJets' fractional aircraft programs, encompassing five different cabin classes and a variety of business jet aircraft. As participants in the NetJets' fractional aircraft programs, owners have access to other aircraft in the NetJets fleet, thereby providing them with more flexibility of travel when a particular aircraft is out of service, being used by another owner, or otherwise unavailable. Participants in the NetJets fractional programs have access to more than 5,000 airports around the U.S. and globally.

B. NetJets' Pilot Hiring And Training Programs And Processes.

1. NetJets' Successful And Collaborative Pilot Hiring Processes—Previously Praised By NJASAP.

12. Because of the flexibility the NetJets programs offer to fractional owners, NetJets requires the services of thousands of highly-trained, professional pilots. NetJets currently employs more than 4,500 pilots across the globe, including more than 3,300 in the U.S.

13. As NJASAP is aware, NetJets has hired over 1,700 pilots since 2020, alone. It has done so via successful hiring/recruiting campaigns in which NJASAP's volunteers actively participated—until in or about November 2022, when the union decided it would no longer participate.

14. Among these more than 1,700 new hires, the average flight time per pilot is 3,079 hours, which exceeds industry standards. And, only approximately 16 percent of these new hires had prior flight hours derived primarily from flight instruction, or from a background that was focused on flying small aircraft. The remaining 84 percent came to NetJets with broader experience, including actual flight-time experience in flying larger and/or more complicated aircraft.

15. Before launching its campaign to defame NetJets and, in the process, attack the experience and abilities of its own pilot members, NJASAP consistently praised NetJets' pilot

recruiting and hiring processes. As late as September 2022, NJASAP’s president publicly praised the successes of NetJets’ collaborative efforts with the union in connection with pilot hiring.

16. Moreover, despite some modest attrition in recent years, NetJets has maintained sufficient crewing levels via its hiring and recruiting processes, which continue to meet—if not exceed—NetJets’ ongoing hiring goals.

2. NetJets’ Dynamic And Industry-Leading Safety Program And Procedures—Which Far Exceed FAA Requirements.

17. Consistent with its goal of providing unmatched safety and service, NetJets has implemented and continuously adapts its training programs and procedures to ensure that pilots receive uniform and comprehensive training on the aircraft type to which they are assigned, and personalized training in areas where further instruction and experience is deemed necessary. NetJets’ training programs far exceed what is required by the FAA for similar operators, have been praised by the FAA as a model for the industry, and have resulted in what NJASAP itself described in a May 1, 2023 letter to Congress as NetJets’ “sterling safety record and exemplary service.”

a. NetJets’ Industry-Leading And Adaptive Training Programs—Utilizing Cutting Edge Technology.

18. NetJets has a long history of employing industry-leading training standards and processes. Since 2018, NetJets has gone even further in continuing to expand and adapt its training programs to ensure that the company far exceeds FAA standards and requirements—more in line with traditional mainline carriers than NetJets’ counterparts in the private and business aviation sector.

19. In doing so, NetJets has partnered with and utilized the services of FlightSafety International Inc. (“FSI”), which is also a Columbus-based company and employs nearly 300 people locally. Among other things, FSI provides NetJets and its pilots with cutting-edge

simulator and technical training for the various types of aircraft within NetJets' fleet. FSI's simulation programs also prepare pilots to address and respond to a wide variety of situations they could conceivably face in the skies. Working with FSI, NetJets is able to provide pilots with as much as 40 percent more simulator time than most other operators in the industry—thereby ensuring its pilots have extensive access to this valuable training resource.

20. The steps NetJets has taken since 2018 alone include, without limitation, the following:

- Leadership and Command Training: In 2018, NetJets introduced a Leadership & Command training module, several years in advance of the FAA's requirement that it do so.
- Aircrew Designated Examiner ("ADE") Program: In 2018, NetJets voluntarily implemented an ADE Program, over and above regulatory requirements, to increase the FAA's oversight and engagement in NetJets' training programs. Under the ADE Program, the FAA designates an inspector as an Aircraft Program Manager ("APM") to manage no more than two aircraft training programs to ensure that the programs are standardized and operating effectively. The APM reviews all curriculum and training scripts, conducts both routine and random observations, and issues instructor/evaluator authorizations.
- Full Flight Envelope Data: In 2019, FSI invested millions of dollars in updating simulator flight envelope data to meet advanced regulatory standards. Specifically, it implemented aerodynamic envelope standards that provide full-flight aerodynamics during deep stall and icing conditions—conditions once modeled only without full-flight simulator data. Such an investment is not required for air carriers like NetJets, but was nonetheless undertaken to ensure NetJets' pilots are provided with the most advanced training available.
- Extended Envelope Training ("EET"): In 2019, NetJets added a full day of training to all initial training programs, and added further follow-up training, to help pilots address unusual or unexpected circumstances, known as Extended Envelope Training. This, again, exceeds the regulatory standard applicable to carriers like NetJets, and was added to ensure that NetJets pilots receive training that prepares them to safely address and respond to even the most unlikely of scenarios.
- Advanced Qualification Program ("AQP"): In 2020, NetJets became the first, and is still the only, carrier of its type to have an approved AQP Program. The FAA describes AQP as "the highest level of training standard allowed by the FAA[.]" AQP is used by all major airlines and the majority of regional carriers. AQP uses a data-driven

approach to risk analysis and requires training to address NetJets' specific risks as identified by an FAA review team. AQP requires NetJets to provide a direct data feed of training and evaluation activities to the FAA to ensure its program is operating effectively.

21. To stay on top of emerging issues in aviation, as well as technological developments in pilot training, NetJets continually evaluates and updates its training needs and processes, based on both its experience and data derived from the Flight Operational Quality Assurance Program and the Aviation Safety Action Program—voluntary programs encouraged by the FAA to ensure focus on specific areas of emphasis, based on actual flight data and current trends in aviation, to prevent future aviation incidents and accidents.

22. This is consistent with practices outlined in NetJets' voluntary and FAA-accepted Safety Management System, which the FAA describes as “the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of safety risk controls. It includes systematic procedures, practices, and policies for the management of safety risk.” [See <https://www.faa.gov/about/initiatives/sms>.] At all relevant times, NetJets has been deemed to be in “Active Conformance” status with its Safety Management System. Active Conformance is the highest level of an FAA SMS program and takes years of work to achieve.

23. Tellingly, although voluntarily subjecting itself to heightened regulatory scrutiny via its participation in the ADE program, NetJets has not been advised of any needed corrections or deficiencies in its training program(s).

24. Instead, in annual reviews of NetJets' training data and programs, the FAA has repeatedly praised NetJets' success, often requesting NetJets' training and reporting templates to share with others as the example to follow.

b. NetJets' Use Of Highly-Trained And Continually-Evaluated Instructors.

25. NetJets' training programs are conducted by highly-trained instructors, including instructors employed by FSI, who receive continuous training and evaluation to ensure they are up-to-date on the most current processes and technologies and otherwise living up to NetJets' standards.

26. To that end, every simulator instructor and evaluator must complete NetJets' comprehensive pilot training and evaluation *before* providing instruction to other NetJets pilots. All instructors must also satisfactorily complete relevant coursework and the associated quality assurance process (*e.g.*, observation of other instructors, practice instruction under observation) before being released to the field.

27. For instance, after completing NetJets' pilot training, instructors and evaluators must complete training specific to their training roles. That includes training to ensure different instructors provide uniformity in training pilots for the same aircraft classes, types, and/or scenarios they may face.

28. While allowing for deviations to address unique scenarios and circumstances that may arise, NetJets strives for standardization in the training process. NetJets, for example, creates standardized scripts and action plans for training.

29. NetJets' training vendors, including FSI, also impose very high standards for their instructors and evaluators, who are otherwise vetted by NetJets. NetJets also conducts periodic observations (without prior notice) of instructors to ensure the quality and content of instruction provided lives up to NetJets' high standards.

30. Additionally, through NetJets' participation in the ADE program, an APM is engaged throughout a new instructor/evaluator's training to ensure that NetJets' and the FAA's

standards are met. Reports of any concerns regarding an instructor’s performance, while rare, are immediately addressed—whether through additional training or, sometimes, through removal/rejection of the instructor’s certification.

c. Small Class Sizes And Personal Instruction.

31. Through its industry-leading and adaptive training program(s), NetJets also ensures that pilots receive close personal instruction by utilizing small class sizes.

32. Ground school classes typically utilize a 10:1 instructor to trainee ratio to align with simulator capacity. Some, however, may have a 20:1 ratio on fleets where two simulators are available, with few exceptions. These ratios, again, exceed industry standards.

33. Simulator training ratios are, in turn, typically maintained at 2:1; and pilots requiring additional training or assistance may be provided with one-on-one instruction.

C. NetJets’ Upgrades to its Industry-Leading Flight Planning System and Processes Enhances Its Dispatch Department.

34. NetJets utilizes flight planning software to assist in the development of flight plans for the flights it conducts on a daily basis. NetJets is currently in the process of upgrading its flight planning software systems with new technological advancements.

35. The FAA does not require NetJets and similar private aviation providers to have dispatchers. Nonetheless, NetJets maintains a Dispatch department to assist in flight planning functions. As NetJets’ business grows, resulting in more daily flight activity, NetJets intends to continue to improve its flight planning software systems to assist dispatchers in performing their roles and further enhance safety.

36. On May 1, 2024, NetJets went live with a flight release software tool called “Cleared to File” (CTF). The CTF system runs checks to identify potential issues with upcoming flights. Flights that pass all checks are presented to the dispatcher as “Cleared to File,” and the

dispatcher can adjust plans if needed. If the dispatcher sees no need to adjust plans, the system automatically files and sends the release to the crew, at which time the crew is responsible for reviewing and making adjustments if necessary.

37. CTF checks were developed over the last year. Throughout the development process, the functionality of the new CTF software was both validated and tested continually. Similar to autopilot for pilots, the new CTF software improves safety by lowering task saturation for dispatchers. This allows them to focus on flights that may require more attention. On average, CTF also provides pilots with additional time to review flight plans.

38. The new CTF system uses the FAA’s System Wide Information Management (“SWIM”) data, which provides visibility to the FAA’s most recently cleared routes. Like other commonly available and utilized resources, it chooses the most recently cleared route for a city pair.

39. Dispatchers at NetJets have a set of systems and resources that provide them with real-time information regarding factors that might impact flights throughout the day, giving them insight into which flights might be impacted and require a closer review.

40. The new CTF system does not prevent dispatchers from reviewing all of the flights they have been assigned at any time during their shifts, including after the flight is released (whether released manually or by CTF). Dispatchers retain visibility for all the flights they are assigned.

D. NJASAP’s Knowingly False And Defamatory (And Unprivileged) Publications Regarding NetJets’ Pilot Force and Training Programs.

41. Despite its own prior involvement in and praise for NetJets’ hiring and safety processes, within the past year NJASAP has engaged in a public campaign designed to falsely smear and defame NetJets’ business and reputation by attacking the experience and knowledge of

its pilot force and the adequacy of its training program(s). It has done so for the transparent purpose of damaging NetJets’ reputation with the public, its customer base, and its employees.

42. NJASAP has published a number of materially false and defamatory statements of then-existing fact(s) regarding, among other things, the quality of NetJets’ new-hire pilots, the quality of its training programs, the quality and purpose of its new flight planning software, and the level and quality of safety within the company. NJASAP has published its defamatory statements to employees, customers, and the public at large via print and electronic media, through the world-wide web, and across multiple social media platforms, including Facebook, Instagram, X (formerly, Twitter), and LinkedIn. [See Facebook (<https://www.facebook.com/njasap>), Instagram (<https://www.instagram.com/njasap>), Twitter (<https://twitter.com/njasap>), and LinkedIn (<https://www.linkedin.com/company/njasap/>).] No form of privilege attaches to such publications, which NJASAP made knowingly and with a reckless disregard for the truth.

43. Without limitation, NJASAP’s defamatory statements fall into multiple categories as to which NJASAP had intricate knowledge—knowledge that revealed the falsity thereof—and include the following, non-exclusive examples.

1. Misrepresentations Regarding NetJets’ Pilots.

44. In a *Wall Street Journal* Advertisement published on June 16, 2023, NJASAP stated that “Today, new hire classes [at NetJets] are predominately comprised of pilots who have built hours through flight instruction or flying small aircraft”—a statement communicating a lack of pertinent or appropriate experience among NetJets’ newly-hired pilots, which a reasonable reader would interpret as a factual assertion. A true and accurate copy of the *Wall Street Journal* advertisement is attached as Exhibit A (the “June 2023 WSJ Advertisement”). NJASAP promoted this advertisement via various social media outlets.

45. This defamatory statement was false, inasmuch as only approximately 16 percent of NetJets' new pilot hires from 2020 to date have flight hours derived from flight instruction or from flying small aircraft. No matter how one slices it, 16 percent is not "predominant."

46. The union clearly knew the falsity of this statement, or was reckless in not discovering the same.

47. In a June 21, 2023 Press Release, NJASAP additionally stated that training is being conducted by persons "who have little to no knowledge of NetJets' standard operating procedures and aircrafts." The Press Release adds that "[m]any pilots are seeking resources outside the established training curriculum to offset inadequacies in their instruction"—another statement designed to falsely portray NetJets' pilots as being inadequately trained or prepared to fly NetJets' aircraft. A true and accurate copy of the June 21, 2023 press release issued by NJASAP is attached as Exhibit B-1 (the "June 21, 2023 Press Release"). The June 21, 2023 Press Release was republished by other media publications, as shown by a Private Jet Card Comparisons' article titled "Union alleges 'systemic deficiencies' in NetJets training program", a true and accurate copy of an excerpt of which is attached hereto as Exhibit B-2. A true and accurate copy of a June 23, 2023 statement/release published by NJASAP is attached as Exhibit C.

48. The assertion that NetJets' training is inadequate is materially false, as discussed further below. Equally false is NJASAP's assertion that "many" pilots are seeking additional training resources on their own due to such purported inadequacy.

2. Misrepresentations Regarding NetJets' Training Programs And Instructors.

49. NJASAP has similarly published a number of materially and knowingly false statements about non-existent deficiencies in NetJets' training programs and/or inadequacies in the same (including as to the instructors utilized in providing the training).

a. **The WSJ Advertisement.**

50. For instance, in the June 2023 WSJ Advertisement, NJASAP stated that “NetJets has not modified its training footprint [since 2018] to better prepare these aviators for the NetJets environment.” This statement is materially false and misleading in multiple respects.

51. In the first instance, such statement is literally false in that NetJets has continually updated and modified its training programs to stay abreast of pertinent developments. Also, in making this statement, NJASAP falsely ignored the nature of NetJets’ training programs, which as described above, involve constant evaluation (by multiple observers), updates, and modifications to meet changing circumstances—including those related to operational and/or safety issues that arise at NetJets and within the aviation industry more broadly. Among other things, these modifications allow NetJets to utilize simulator sessions more effectively, and adjust what is covered in those sessions, making them more effective. In addition, in 2019, an additional simulator session was added for EET training, and simulators are added as needed on a case-by-case basis. Again, the union was well aware of this information at the time it published the false and defamatory June 2023 WSJ Advertisement.

52. Such statement is also materially misleading and false in the context of the paragraphs that follow it because it is based on and conveys the false premise that the number of flight hours for a new-hire pilot is determinative or predictive of his or her success in training to be a NetJets pilot. To the contrary, as the union is (and has been) aware, NetJets’ rate of training success has *increased* in recent years despite modest decreases in average flight hours for its new-hire pilots. Hence, pilot training success is a product not of a pilot’s accumulated flight hours, but the overall quality of a pilot’s aviation skills and abilities, which NetJets identifies through its rigorous hiring process and cultivates through its best-in-class training programs.

b. The June 21, 2023 Press Release.

53. The June 21, 2023 Press Release is also rife with knowingly false statements about NetJets' safety programs and instruction, which a reasonable reader would interpret as assertions of fact, not opinion.

54. There, for instance, NJASAP stated, in bold print, that NetJets has "systemic deficiencies that have decimated the NetJets training program."

55. Such statement is false. NetJets' training programs do not suffer from any large-scale or systemic deficiencies.

56. To the contrary, as described above, NetJets has gone above and beyond the requirements applicable to similarly-situated carriers in implementing and continually adapting its training programs to provide cutting edge and advanced pilot training that goes far beyond the industry standard. That, as NJASAP knows, has resulted in praise from the FAA; not criticism for "deficiencies" or inadequacies that do not exist.

57. Through, *inter alia*, its participation in the Labor Management Relationship Program and its own membership's participation in the training provided, NJASAP knew that no such deficiencies exist. Yet, it nonetheless published this statement, which was picked up by numerous media sources/outlets across the country.

58. In the same Press Release, NJASAP also stated that the instructors utilized by NetJets have "little to no knowledge of NetJets' standard operating procedures and aircraft[.]" That, too, is patently untrue.

59. As described above, before any instructor is permitted to train NetJets' pilots, he or she must complete the same NetJets pilot training that others (including NJASAP volunteers) are required to complete. As a result of that process, instructors develop extensive familiarity with

NetJets' aircraft and operating procedures—a point the union has readily observed and can confirm through its participation in the training process.

60. Also in the June 21, 2023 Press Release, NJASAP stated “there is a profound lack of standardization in the delivery of study materials and instructor familiarity with the same.”

61. Here, again, the union's assertion is belied by the extensive efforts NetJets and its partners, like FSI, constantly undertake (another fact readily observable by the union) to ensure that consistent training and training standards are provided as to each aircraft type, with the ability to provide specialized or individualized training where circumstances warrant. Those efforts include the use of scripts, standardized operating procedures across NetJets' fleet, and corresponding standardized training procedures, to the extent feasible.

62. As summarized above, extensive audits and reviews are frequently undertaken to ensure instructors are familiar with and conduct training in accordance with NetJets' standardized procedures and objectives.

E. NJASAP's Knowingly False And Defamatory (And Unprivileged) Publications Regarding NetJets' Safety Culture and NetJets' Implementation of the CTF System.

63. NJASAP has also engaged in a public campaign designed to falsely smear and defame NetJets' business and reputation by attacking its safety culture in various publications, including by attacking the implementation of the NetJets' CTF system. It has done so for the transparent purpose of damaging NetJets' reputation with the public, its customer base, and its employees.

64. As alleged above, CTF is an update to NetJets' flight planning systems that takes advantage of modern technology to alleviate task saturation among dispatchers and enable them to focus on more complex flight planning issues.

65. NJASAP, however, has knowingly and with a reckless disregard for the truth published a number of materially false and defamatory statements of then-existing fact(s) regarding NetJets' safety culture and the CTF system to the public at large via print and electronic media, through the world-wide web, and across multiple social media platforms. No form of privilege attaches to such publications, which include the following non-exclusive examples.

1. The Defamatory WSJ Advertisement Regarding the Alaska Airline Incident.

66. In January 2024, an Alaska Airlines flight experienced a serious safety incident when a panel on one of its Boeing 737 Max aircraft blew off during flight, resulting in a large hole in the fuselage of the aircraft that necessitated an emergency landing. The incident drew national media coverage.

67. On January 26, 2024, NJASAP published an advertisement in the *Wall Street Journal* (the "January 2024 WSJ Advertisement"), in which it falsely suggested that a similar type of accident is imminent at NetJets.

68. Specifically, the January 2024 WSJ Advertisement stated: "NetJets Owners. What if you looked out your window and saw a panel of the plane?" A true and accurate copy of the January 2024 WSJ Advertisement is attached as Exhibit D.

69. The foregoing statement, which is clearly intended to alarm NetJets' customers, pilots, and the traveling public, is false and defamatory. NJASAP has no basis to suggest that an accident similar to the one that occurred on the Alaska Airlines flight is likely or possible to occur on a NetJets flight.

2. The April 30, 2024 Notice

70. On or about April 30, 2024, NJASAP published a "Notice" on its website titled "Management to implement Clear to File (CTF)." A true and accurate copy of the "Notice" is

attached as Exhibit E. The Notice contains multiple false and defamatory assertions regarding the CTF system.

71. The Notice falsely states that “unresolved issues” regarding the CTF system “may have adverse effects on our flight operations.” This assertion, which is clearly intended to alarm NetJets’ customers, pilots, and the traveling public, is false. There is no evidence to support the Notice’s assertion that CTF will adversely affect flight operations in any way.

72. The Notice falsely states that “numerous uncertainties” remain in connection with the system, and that “[t]he route selection may allow a flight to travel through a known area of turbulence, icing, or convective activity.” This assertion, which is clearly intended to alarm NetJets’ customers, pilots, and the traveling public, is also false. NJASAP has no basis to suggest that CTF will generate flight plans that are somehow less safe than those that are manually generated by dispatchers.

73. The Notice also falsely states that “Management seems content to rely on ATC [air traffic control] to trap that error.” This assertion is also false. NJASAP has no basis to suggest that CTF will generate erroneous flight plans.

74. The Notice also falsely states that “Management’s refusal to require a manual review of flights before automatic filing, despite the Union’s request, ... leaves room for potential errors to go unnoticed, which poses risks to flight safety.” This assertion is also false. There is no evidence to support NJASAP’s false claim that CTF-released flight plans are less safe than a flight plan released by a human being.

75. The Notice also falsely states that “Despite addressing several of the [Union Safety Committee’s] concerns, those that went unaddressed have the potential to adversely affect flight

operations, making the process of sharing feedback imperative.” This assertion is also false. There is no evidence that there are any issues with CTF that will adversely affect flight operations.

3. The May 7 Joint Message

76. Just after NJASAP published its defamatory Notice, on or about May 7, 2024, NJASAP, Teamsters Local 284, and FAEC Local 284 then collectively published what they called a “Joint Message from NetJets Dispatcher, Pilot and Flight Attendant Union Leadership” (“Joint Message”). The Joint Message was titled “Restore the Safety Role of FAA-Licensed Dispatchers on All of Our Flights.” A true and accurate copy of the Joint Message is attached as Exhibit F. The Joint Message, like the Notice, contains multiple false and defamatory assertions about the CTF system.

77. For example, the Joint Message begins by falsely stating that “[o]n May 6, 2024, NetJets made the unprecedented decision...to cut away a central component of our flight safety system.” This assertion, which is clearly intended to alarm NetJets’ customers, pilots, and the traveling public, is false. The CTF system is an addition, not subtraction, to safety.

78. The Joint Message also falsely states that NetJets “implemented an automated dispatching system that eliminates the safety role of FAA-licensed human dispatchers on some flights and replaced their training, skills, experience and dedication with automated pre-flight checks, reviews, and flight releases.” This assertion is also false. The CTF software enhances safety by, among other things, reducing task saturation.

79. The Joint Message further falsely states that implementation of CTF “means the safety of hundreds of pilots, flight attendants, aircraft owners and customers is compromised every day when they work for or travel with NetJets because their flight is no longer approved for departure by an FAA-licensed dispatcher before it takes off.” This statement, like those before it,

is false because, as NJASAP knows, safety has not been compromised, nor could it be, by adding an enhancement to a system that does not require FAA-licensed dispatchers in the first place.

80. The Joint Message also states that implementation of CTF is “evidence of a deteriorating safety culture and organizational breakdown...[.]” This is also false. There has not been any deterioration in NetJets’ safety culture or any organizational breakdown.

81. The Joint Message concludes by falsely stating that management’s implementation of CTF has “remov[ed] a cornerstone of the safety system itself.” This assertion is false. The implementation of CTF will reduce task saturation and improve safety, and NJASAP has no evidence suggesting otherwise.

4. The “Major Step Backward: Clear to File” Article

82. After publishing the false and defamatory Joint Message, NJASAP published another false and defamatory article regarding the CTF upgrade titled *A Major Step Backward: Clear to File* (the “Step Backward Article”) in its FlightGuard Publication. A true and accurate copy of the Step Backward Article is contained within NJASAP’s publication attached as Exhibit G. The Step Backward Article contains multiple false and defamatory assertions about the CTF system.

83. In the Step Backward Article, NJASAP falsely asserts that NetJets’ management “persists in its effort to draw down a once vibrant safety culture.” This assertion is false. NetJets’ management is not impairing the safety culture at the company, and NJASAP has no basis to assert otherwise.

84. In the Step Backward Article, NJASAP falsely asserts that the “transition to automated dispatching software represents a major step backwards in terms of both our personal

and operational safety. This is assertion is false. The implementation of CTF will reduce task saturation and improve safety, and NJASAP has no evidence suggesting otherwise.

85. In the Step Backward Article, NJASAP falsely asserts that management’s “focus has been predominantly on the economic benefits of reducing dispatcher involvement in the process.” This assertion is false. NJASAP has no evidence to support this statement.

86. In the Step Backwards Article, NJASAP falsely asserts that with respect to “fuel requirements, enroute weather conditions and legal alternate options” for flights, “errors have been rampant specific to these parameters since CTF’s May 1 rollout.” This assertion is false. There has not been any rampancy of errors since CTF was implemented, and NJASAP has no evidence to assert otherwise.

5. The Bigger Picture Section of the FlightGuard Publication

87. In the Bigger Picture section of the same FlightGuard Publication, NJASAP, without privilege and with actual malice, continues to defame NetJets’ commitment to safety. This section includes a number of false and defamatory assertions, including the following non-exclusive examples. A true and accurate copy of the Bigger Picture section is contained within NJASAP’s publication attached as Exhibit G.

88. In the Bigger Picture section, NJASAP falsely asserts that NetJets’ operation today looks like an operation that is built by a lack of training, sloppy maintenance, operational pressure and a lack of familiarity with company operations. This assertion is false. NJASAP has no evidence to support any part of this assertion.

89. The Bigger Picture section falsely asserts that “[r]epeated write-ups documenting the same issue and a reduction in the quality of work performed by maintenance vendors is becoming the norm.” This assertion is also false. NJASAP has no evidence that the quality of

maintenance and repair work performed by NetJets' vendors is deteriorating, or that "repeated write-ups documenting the same issue" are "becoming the norm."

90. The Bigger Picture section asserts that "management's low-cost-over-quality mindset specific to maintenance vendors [is] putting pressure on crews." This assertion is false. NetJets does not sacrifice maintenance quality to save costs and NJASAP has no evidence calling into question the quality of work performed by NetJets' maintenance vendors.

91. The Bigger Picture section asserts that NJASAP and its members must resist "management's efforts to reshape the safety culture." This assertion is false, because as NJASAP knows, NetJets' management has not undertaken any efforts to undermine the safety culture at the company.

92. The Bigger Picture section asserts that there has been a "continued deterioration of our safety and maintenance culture." This assertion is false. There has been no deterioration of NetJets' safety or maintenance culture. To the contrary, NetJets continues to invest resources to maintain and enhance its best-in-class safety and maintenance programs.

F. NJASAP's Knowingly False And Defamatory (And Unprivileged) Publications Regarding NetJets' Commitment to Pilot in Command (PIC) Authority.

93. NJASAP has likewise engaged in a public campaign designed to falsely smear and defame NetJets' business and reputation by attacking NetJets' commitment to Pilot in Command (PIC) Authority, which is a pilot's regulatory responsibility and authority regarding operation of an aircraft for which the pilot is serving as a PIC. NJASAP has done so for the transparent purpose of damaging NetJets' reputation with the public, its customer base, and its employees.

94. NJASAP has published a number of materially false and defamatory statements of then-existing fact(s) regarding PIC Authority to the public at large via print and electronic media,

through the world-wide web, and across multiple social media platforms. No form of privilege attaches to such publications.

95. On or about May 1, 2024, NJASAP published an article titled “PIC Authority: What It Is v. What It Is Not.” A true and accurate copy is attached as Exhibit H (hereinafter “PIC Article”). The PIC Article includes a number of false and defamatory assertions, including the following non-exclusive examples.

96. The PIC Article falsely states that NetJets “management is prioritizing operational convenience above operational safety.” This assertion, which is clearly intended to alarm NetJets’ customers, pilots, and the traveling public, is false. NetJets’ management is not prioritizing operational convenience over safety, and NJASAP has no evidence to suggest otherwise.

97. The PIC Article states that NetJets’ “management launched a campaign to undermine [the pilot’s] right and responsibility to determine the safety and airworthiness of our aircraft and, ultimately, our obligation to prioritize safety above all considerations.” This assertion, which is clearly intended to alarm NetJets’ customers, pilots, and the traveling public, is false. NetJets’ management has not launched any “campaign” to undermine pilots’ responsibility to determine the safety and airworthiness of the aircraft they operate, nor has management done anything to deprioritize safety. To the contrary, as NJASAP knows, NetJets’ management continuously invests significant company resources to maintain and enhance its best-in-class safety programs.

98. The PIC Article falsely states that NetJets has “clouded with all manner of gray” the “question of whether our aircraft is airworthy.” This assertion, which is clearly intended to alarm NetJets’ customers, pilots, and the traveling public, is false, because NetJets has not “clouded” determinations of airworthiness.

99. The PIC Article falsely states that NetJets is engaged in efforts “to reshape our safety culture” in a negative manner. This assertion, which is clearly intended to alarm NetJets’ customers, pilots, and the traveling public, is false, because NetJets has not engaged in any efforts to negatively reshape the company’s safety culture.

100. The PIC Article falsely states that NJASAP has been fighting against a “continued deterioration” in “safety and maintenance culture” at NetJets. This assertion, which is clearly intended to alarm NetJets’ customers, pilots, and the traveling public, is false, because there has not been any deterioration in the safety and maintenance culture at NetJets.

COUNT I
(DEFAMATION)

101. NetJets incorporates the foregoing paragraphs as though fully set forth herein.

102. As described above, NJASAP has published multiple defamatory statements with malice, which include false advertisements and other materially false statements concerning NetJets. Further, the defamatory statements so distorted the truth as to make the entire advertisement/press release/statements false and defamatory.

103. NJASAP’s defamatory statements concerning NetJets qualify as statements of fact, not opinion, based on the specific language NJASAP used, the verifiability of the assertions, the general context of the union’s statements, and the broader context in which NJASAP made the statements.

104. NJASAP published the defamatory statements knowing they were false or acted with reckless disregard for the defamatory statements’ truth or falsity. NJASAP possesses, has access to, or otherwise is aware of the information proving the falsity of the defamatory statements.

NJASAP failed to investigate the truth or falsity of the defamatory statements before publishing them, even though NJASAP entertained serious doubts about their truth.

105. NJASAP possesses no applicable privilege or legal authorization to publish the defamatory statements.

106. Such statements by NJASAP are defamatory, indeed defamatory *per se*, as they state that NetJets is involved in behavior and conduct that is incompatible with the proper conduct of its business, lacking in integrity, and jeopardizing the safety of its employees, owners, and passengers. NJASAP published the defamatory statements knowing or intending that they would injure NetJets' business reputation.

107. NetJets is entitled to relief as determined at trial because NJASAP published the defamatory statements with both actual and common law malice and because the publication of such statements has caused NetJets actual and ongoing harm. NJASAP's defamatory statements were published with ill will, wantonness, and a desire to cause injury to NetJets.

108. NJASAP's publication of the defamatory statements is continuing and widespread.

109. Upon a final determination of the facts and merits, NetJets is entitled to injunctive relief enjoining the further publication of the defamatory statements or any other assertions substantially similar to the defamatory statements.

COUNT II

(DECEPTIVE TRADE PRACTICES VIOLATION OF O.R.C § 4165.01, et. seq.)

110. NetJets incorporates the foregoing paragraphs as though fully set forth herein.

111. In the course of NJASAP's business, NJASAP, as described above, disparaged the services and business of NetJets by making and publishing false and/or misleading representations of fact—including the aforementioned defamatory statements.

112. NJASAP's conduct, described above, constitutes deceptive trade practices in violation of R.C. 4165.02.

113. As a direct and proximate result of NJASAP's deceptive trade practices, NetJets is entitled to injunctive relief prohibiting NJASAP from engaging in any further deceptive conduct as provided in R.C. 4165.03.

WHEREFORE, NetJets respectfully requests that the Court enter judgment in its favor and against NJASAP as follows:

- A. Award NetJets relief as proven at trial;
- B. Enjoin NJASAP from continuing to publish the defamatory statements concerning NetJets;
- C. Award any and all further relief in favor of NetJets as the Court deems just and proper.

Respectfully submitted,

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