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Attorneys for Cross Complainant V. E.  
KUSTER CO., INC., a corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

MARVIN G. SMITH, JR., )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 RAJAY CORPORATION, et al., )  
 )  
 Defendants. )

~~FILE NO. 12528~~  
CROSS COMPLAINT

\_\_\_\_\_ )  
V. E. KUSTER CO., INC., a )  
corporation, )  
 )  
 Cross complainant, )  
 )  
 vs. )  
 )  
 RAJAY CORPORATION, a corporation, )  
 BELMONT AVIATION CORPORATION, )  
 WEST COAST PROPELLER SALES AND )  
 SERVICE COMPANY, BANNING )  
 AVIATION, INC., DOES ONE THROUGH )  
 FIFTY, )  
 )  
 Cross defendants. )  
\_\_\_\_\_ )

Cross complainant complains of cross defendants as follows:

I

Cross complainant is a corporation duly organized and existing under the laws of the State of California and is authorized to do business in California.

II

Cross defendants RAJAY CORPORATION, BELMONT AVIATION

1 CORPORATION, WEST COAST PROPELLER SALES AND SERVICE and BAHNING  
2 AVIATION, INC. are corporations doing business under the laws of  
3 and in the State of California.

4 III

5 That the cross defendants DOES ONE THROUGH FIFTY are  
6 sued under fictitious names for the reason that their true names  
7 are unknown to this cross complainant; that when the true names  
8 and capacities are ascertained, cross complainant will ask leave  
9 of court to amend this cross complaint to insert the correct names.

10 IV

11 That at all times hereinafter mentioned Joan Merriam  
12 Smith was an occupant of an aircraft described as a Cessna  
13 182C Skyland, bearing registration No. N 8784T.

14 V

15 That on or about February 17, 1965 the above described  
16 aircraft crashed and as a result thereof Joan Merriam Smith died.  
17 That thereafter her alleged surviving husband Marvin G. Smith, Jr.  
18 brought an action for wrongful death against this cross complain-  
19 ant in this court, being No. SO C 12528.

20 VI

21 That in the Complaint, the surviving heir contends that  
22 the crash was caused by negligent conduct on the part of this  
23 cross complainant. Cross complainant has filed an Answer denying  
24 said negligent conduct on the part of cross complainant.

25 VII

26 That the plaintiff alleges in his Complaint that this  
27 cross complainant negligently maintained the aircraft and per-  
28 mitted certain alleged defects in the engine and the airframe to  
29 exist, and further contends that this cross complainant negli-  
30 gently serviced, repaired, modified and altered the said aircraft  
31 and maintained it in an unairworthy condition, and that all of  
32 the foregoing constituted a defective and hazardous condition to

1 persons flying in it, and that all of the foregoing was a proxi-  
2 mate cause of the decedent's death.

3 VIII

4 Cross complainant alleges that the aircraft above  
5 described was in the exclusive physical custody of cross defendant  
6 RAJAY CORPORATION for one year preceding the accident and that  
7 during that period of time the RAJAY CORPORATION, BELMONT AVIATION  
8 CORPORATION, WEST COAST PROPELLER SALES AND SERVICE and BANNING  
9 AVIATION CORPORATION maintained, worked on, altered and modified  
10 the said aircraft and that if any alterations or condition or  
11 modifications were defective or negligently done, or if the air-  
12 craft was unairworthy or defective, then such condition, defect,  
13 negligent maintenance or unairworthiness were caused by or done  
14 by one of the cross defendants or all of them.

15 IX

16 That there is an actual controversy between the cross  
17 complainant and cross defendants relating to their legal rights  
18 and duties alleged to arise from the acts that occurred in plain-  
19 tiff's Complaint. Cross complainant V. E. KUSTER CO., INC.  
20 claims and maintains that if it is found liable to the plaintiff  
21 it is entitled to be indemnified by the defendants and cross  
22 defendants in whatever amount it may be adjudged to be liable as  
23 a result of the alleged accident in plaintiff's Complaint, includ-  
24 ing reasonable costs and expenses incurred and the cost of legal  
25 representation in defending said lawsuit. The exact nature of  
26 the contentions made by the cross defendants is unknown to this  
27 cross complainant, but it is informed and believes and thereon  
28 alleges that cross defendants deny or dispute in some manner each  
29 of the aforementioned contentions.

30

31 WHEREFORE, cross complainant prays as follows:

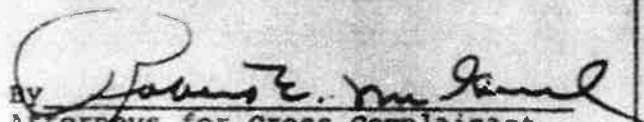
32 1. That the court declare the duties of each and every

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one of the defendants and cross defendants herein, including the obligation to indemnify defendant and cross complainant V. E. KUSTER CO., INC. for any and all liability, loss or expense in connection with plaintiff's causes of action.

2. For the defendant and cross complainant V. E. KUSTER CO., INC. expenses incurred by reason of plaintiff's asserted causes of action against V. E. KUSTER CO., INC., including legal services;
3. For defendant and cross complainant V. E. KUSTER CO., INC. court costs; and
4. For such further relief as to the court seems proper.

CRIDER, TILSON & RUPPE'

By   
Attorneys for Cross Complainant  
V. E. KUSTER, CO., INC.