



## 'AIR FARCE' SUIT

### \$1M FURY AT DELTA OVER MOM'S RUINED BIRTHDAY

May 28, 2008

By Dareh Gregorian

**A** mad-as-hell Manhattan lawyer is suing Delta Air Lines for \$1 million, charging its "absolute incompetence" ruined his elderly mother's landmark birthday celebration and caused her "emotional trauma."

In papers filed in Manhattan Supreme Court, **Richard Roth** says he'd arranged "to have his entire family, including several cousins, meet in Argentina for his mother's 80th birthday," only to have those plans fly out the window.

A Delta worker caused **Roth**, his wife, their two teens and his mom, Nelida Roth, to miss their flight to Buenos Aires, the suit claims, forcing them to spend days cooling their heels in Atlanta before getting a flight on another airline - in Miami.

And then, **Roth** charges, Delta lost their luggage.

"It was the most outrageous experience I've ever had in my life," he said. "It was an absolute disaster. One catastrophe after another."

**Roth** says he started planning what wound up being the trip from hell in September 2007. Using his frequent-flier miles, he got tickets for his family to fly on Dec. 20 from Westchester to Atlanta, where they'd get a Delta connection to Buenos Aires.

Things started going wrong immediately, when the plane left almost two hours late, the suit says.

Once in the air, **Roth** asked a "stewardess whose name was Britney and was very nasty" if the connecting flight was on time, but she refused to find out, he claims.

"Her conduct, which was disrespectful, obnoxious and outright rude, was the tip of the iceberg," the suit says.

After landing, the family found out from a cousin who was on the connecting flight that it had been delayed by a half-hour, giving them just enough time to catch it.

When they arrived at the gate, however, Delta agent Ralph Damour told **Roth** "the flight had already taken off," the lawyer claims.

When **Roth's** son pointed to the plane outside the window, Damour said, "It has not left but you cannot get on," the suit says.

"Damour, in an obnoxious, rude, and totally disrespectful tone, said: 'The pilot is not in charge here. I am. All the pilot does is fly the plane,' " according to the suit.

The plane sat at the gate for another 20 minutes before it took off - without the **Roths**.

The frustrated family wound up springing for a night in a motel. The next day, Delta told them there was no way they could get on any flight to Argentina until Jan. 8, the suit says.

**Roth** called another airline, and lined up a flight out of Miami. The family drove much of the way to Miami. Their Aerolineas Argentinas flight was fine - but they didn't get their luggage from Delta until Christmas Eve, according to the suit.

**Roth**, 49, said he contacted Delta, looking to be reimbursed for the \$21,000 the family had spent on rental cars, clothes, hotels and airline tickets, but got no response.

"I tried so hard not to sue them," he said.

A spokeswoman for Delta said the airline does not comment on pending litigation.

[dareh.gregorian@nypost.com](mailto:dareh.gregorian@nypost.com)

**This is an attorney advertisement**

**The Roth Law Firm, PLLC**  
545 Fifth Avenue, Suite 960, New York, NY  
(212) 542-8882  
[www.rrothlaw.com](http://www.rrothlaw.com)