

MH370: TIME RUNNING OUT FOR FAMILIES TO FILE LEGAL CASE

Families of passengers and crew of Malaysia Airlines flight MH370 have about eight months to file a legal case, before the two year period under the international aviation treaty Montreal Convention 1999 becomes null and void.

According to US-based aviation attorney Gerald C.Sterns, the best bet for the families is to have a legal case filed within the next eight months to ensure they have 'the right to damages' following the MH370 tragedy.

With regard to some families seeking lawyers or officials to 'extend' the time to file a claim in court, until the exact cause of MH370's disappearance is determined, Sterns said, "Under the existing very clear rules of the Convention, this most probably cannot be done.

The two years period is referenced beginning from the time the aircraft failed to reach its scheduled destination.

Also, Article 35 is held as Statute of Repose, which means the time allowed to file a legal case runs not from the time damage is incurred or a death is confirmed, but from the scheduled arrival of a flight's destination.

Under established international law rules, the Convention in which Malaysia is a member of, would override any local law regarding the time frame for filing a legal case. Malaysia signed on to the treaty in 2008.

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