

Airport Litigation Update



November 15, 2022

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Agenda

- Background
- Litigation Update
 - Who is suing the Town?
 - State Court
 - Federal Court
 - Federal administrative action
 - What is being alleged?
 - What is Town's response to the allegations?
 - What has Court ordered?

Background

- Grant assurances expired in fall 2021
 - FAA recommended the path that the Town chose in November 2020
 - FAA and Town worked cooperatively for years
- Community Engagement
 - Several work sessions and public meetings in 2020 and 2021
 - Culminated in four community engagement sessions in fall 2021
 - Majority of community prefers modified airport or, if not possible, closure
- Town tried to study reasonable restrictions for a modified airport during 2022 Season

Who is suing the Town?

- State Court (Consolidated Article 78s)
 - *Blade et al.*
 - *East End Hangars et al.*
 - *Coalition et al.*
- State Court (Other)
 - *Manny Vilar*
 - *Long Island Airlines*
- Federal Court
 - *NBAA*
- FAA Part 16
 - *Curtis Air Taxi*
- See Appendix

State Court (Consolidated Article 78s)

- Petitioners claimed that Town violated a state environmental law (SEQRA) and a federal aviation statute (ANCA)
- Town opposed:
 - SEQRA – permits the Town to collect data regarding and study impact, if any, of modification or closure at Airport as contemplated by Town
 - ANCA (Airport Noise and Capacity Act of 1990)
 - ANCA does not apply
 - FAA, the agency in charge of interpreting ANCA, confirmed this to the Town in discussions in 2021 and 2022

State Court (Consolidated Article 78s)

- Order issued October 19 (same order for all three cases)
 - SEQRA
 - ANCA
- Town's notice of appeal filed November 9

State Court (Other)

- *Vilar* action
 - Recently transferred to Suffolk County
 - Final order not yet issued

- *Long Island Airlines* action
 - Discovery is ongoing
 - Final order not yet issued

Federal Court

- NBAA claims that town violated a federal aviation statute (ANCA)
- Town opposes:
 - Jurisdiction – Court should defer ruling until the FAA rules in administrative action
 - ANCA – does not apply
 - FAA, the agency in charge of interpreting ANCA, confirmed this to the Town in discussions in 2021 and 2022

Federal Court

- No substantive rulings have been issued
- Status conference scheduled for December 7
- Town asked Court to invite FAA to participate in proceedings
- No timeline for decision

Administrative Proceedings

- Curtis Air Taxi claims that Town violated two federal aviation statutes (Airline Deregulation Act and ANCA) in an administrative proceeding filed before the USDOT and FAA
- Town opposes:
 - ADA is not applicable
 - ANCA is not applicable

Administrative Proceedings

- No substantive rulings have been issued
- No timeline for decision

Questions or Comments?

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Appendix – Related Litigation

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Blade Lawsuit

Action	Named Plaintiffs	Counsel
<i>Blade Air Mobility, et al. v. Town of East Hampton, et al.</i>, Index No. 602802/2022 (New York Supreme Court, Suffolk County)	Blade Air Mobility, Inc. Bonnie Brady Thomas Dean Jason Deland Lisa Deveglio Michael Donnelly Russell Munson Alicia Whitaker	Gibson, Dunn & Crutcher LLP Harris Mufson Gabriel Hermann Paul Kremer Akiva Shapiro Declan Conroy Tessa Gellerson Jialin Yang Margolinbesunder LLP Linda Margolin

Coalition Lawsuit

Action	Named Plaintiffs	Counsel
<i>Coalition to Keep East Hampton Airport Open, Ltd., et al. v. Town of East Hampton, New York, Index No. 602801/2022 (New York Supreme Court, Suffolk County)</i>	The Coalition to Keep East Hampton Airport Open, Ltd. Andrew Sabin Michael Mancuso Edmond Chakmakian Kelly Bloss Jennifer Faga Robert Aspenleiter Thomas Griffin Douglas Donaldson Harry Ellis Dr. George Dempsey	Greenberg Traurig LLP Steven Russo Brian Doyle Dale Goldstein Michael Berlin Adam Kirschbaum Michael Mirdamadi

East End Lawsuit

Action	Named Plaintiffs	Counsel
<i>East End Hangars, Inc., et al. v. Town of East Hampton, New York, Index No. 602801/2022 (New York Supreme Court, Suffolk County)</i>	East End Hangars, Inc. Hampton Hangars, Inc. a/k/a Hampton Hangers, Inc. Thomas Bogdan Joseph Dryer Suse Lowenstein Lynden Restrepo Louise Sasso	Pillsbury Winthrop Shaw Pittman LLP (for East End Hangars and Hampton Hangars) James Catterson Brianna Walsh Danielle Stefanucci Eckert Seamans Cherin & Mellott LLC (for Bogdan, Dryer, Lowenstein, Restrepo, and Sasson) Riyaz Bhimani

Vilar Lawsuit

Action	Named Plaintiffs	Counsel
<i>Manny Vilar v. Town of East Hampton</i> , Index No. 606362/2022 (New York Supreme Court, Suffolk County) (transferred from Nassau County)	Manny Vilar	Lynn Gartner Dunne & Frigenti LLP Robert Lynn Christopher Renke

Long Island Airlines Lawsuit

Action	Named Plaintiffs	Counsel
<i>Long Island Airline LLC v. Town of East Hampton</i> , Index No. 618836/2021 (New York Supreme Court, Suffolk County)	Long Island Airline LLC	Lynn Gartner Dunne & Frigenti LLP Robert Lynn Christopher Renke

NBAA Lawsuit

Action	Named Plaintiffs	Counsel
<i>National Business Aviation Association, Inc. v. Town of East Hampton</i> , 22 Civ. 2824 (Eastern District of New York)	National Business Aviation Association, Inc.	Arnold & Porter Kaye Scholer LLP James Herschlein

Doupe Administrative Proceedings

Action	Named Plaintiffs	Counsel
<i>Doupe Services, LLC d/b/a Curtis Air Taxi and Jobs Lane Aviation, LLC v. Town of East Hampton, New York (FAA and DOT Administrative Proceedings; 16-22-05)</i>	Doupe Services, LLC d/b/a Curtis Air Taxi Jobs Lane Aviation, LLC	KMA Zuckert LLC Jol Silversmith Barbara Marrin