

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRIENDS OF THE EAST HAMPTON AIRPORT, INC.,
ANALAR CORPORATION, ASSOCIATED AIRCRAFT
GROUP, INC., ELEVENTH STREET AVIATION LLC,
HELICOPTER ASSOCIATION INTERNATIONAL, INC.,
HELIFLITE SHARES LLC, LIBERTY HELICOPTERS,
INC., SOUND AIRCRAFT SERVICES, INC., and
NATIONAL BUSINESS AVIATION ASSOCIATION, INC.,

No. 15 Civ. 2246 (JS) (ARL)

Plaintiffs,

-against-

THE TOWN OF EAST HAMPTON,

Defendant.

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SUPPLEMENTAL DECLARATION OF ERIC JUNGCK

I, Eric Jungck, make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am the Director of Operations of Eleventh Street Aviation LLC (“Eleventh Street”), one of the Plaintiffs in this action. I make this supplemental declaration, based upon personal knowledge, to respond to certain inaccurate assertions in the Town of East Hampton’s opposition memorandum and declarations opposing Plaintiffs’ motion for a temporary restraining order.

2. If the Restrictions take effect, they will force Eleventh Street to cancel approximately 75% of Eleventh Street’s operations for the month of May – effectively grounding \$60 million worth of assets.

3. The Town suggests that Eleventh Street can avoid irreparable harm simply by replacing its two aircraft – a Stage 4 Falcon 7x jet and a Sikorsky S-76C+ twin-engine helicopter

– with “compliant” aircraft not subject to the Town’s “Noisy Aircraft” definition. This is patently untrue.

4. As set forth in my initial declaration, Eleventh Street operates a Stage 4 Falcon 7x, one of the quietest jets in production. It is a state-of-the-art aircraft that was delivered to Eleventh Street in 2011 at a cost of approximately \$52 million. The lead time it would take to acquire a “compliant” aircraft similar to that of the Falcon 7x – a Gulfstream G550 or G650 – is approximately *three to five* years. Because the Restrictions take effect immediately with no grace period, spending three to five years acquiring a new jet aircraft is no solution and could not avoid the harm that Eleventh Street will suffer during those years.

5. Moreover, even if Eleventh Street sold its Falcon 7x and acquired a Gulfstream, there is no guarantee that the Town will not institute another arbitrary noise definition that will prohibit the use of the Gulfstream.

6. With respect to the Sikorsky S-76C+, that is the only helicopter model that meets Eleventh Street’s safety, operational, and reliability requirements. There is no suitable replacement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed: May 12, 2015
Wainscott, New York

s/ Eric Jungck
Eric Jungck