

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 MICHAEL RENZ

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

1. I am the President of Analar Corporation (“Analar”), one of the Plaintiffs in this action. I make this supplemental declaration, based upon personal knowledge, in further support of Plaintiffs’ motion for a temporary restraining order.

2. The Town’s suggestion that there is no commercial service at HTO is wrong. Analar provides commercial helicopter service to HTO. It has done so for years. Other Plaintiffs in this case also provide such commercial services to HTO.

Analar’s Damages are Tangible and Already Occurring

3. The Town’s suggestion that Analar’s harm from the Restrictions is “speculative” could not be further from the truth. The Restrictions are already causing real economic and operational harm to Analar, and that harm will continue and become more severe if the Court does not issue a TRO and permits the Restrictions to take effect.

4. One form of harm that is already occurring is our customers' delay of Block Time purchases due to uncertainty caused by the impending Restrictions. As I discussed in my first declaration, Analar's Block Time purchase program allows customers to pre-pay for flight time. These purchases are typically made in May for the upcoming year. Our usual Block Time customers have already delayed purchasing Block Time and will forego purchasing it altogether if the Restrictions are enforced. To date, this has deprived Analar of approximately \$200,000 to date as a direct result of the Restrictions' pendency.

5. If the Court were to deny Plaintiffs' TRO motion on May 14, Analar will be further harmed during the remainder of May and into June. Based on last year's figures, from mid-May through June, Analar averaged 18-25 flights to or from HTO each week. This equates to approximately \$135,000 in lost revenue for that period if the TRO does not issue.

6. Based on careful examination of our operational and business records, we determined that the One-Trip Limit alone will prohibit the majority of Analar's operations, resulting in an estimated 65% decrease in Analar's operations to and from HTO. Analar's primary source of revenue is charter flights to and from HTO. As a result, Analar will lose significant revenue and market share, and its business will be devastated. We will have no incoming revenue to finance the purchase of additional helicopters. We may not yet know if the Restrictions will put us completely out of business, but that too is a possibility, along with forced restructuring, downsizing, employee layoffs and loss of equipment. To have any hope of remaining a functioning entity, Analar would be forced to lay off pilots, maintenance personnel, and office staff.

7. The Town's suggestion that Analar can avoid harm from the Restrictions by simply replacing its fleet of helicopters is not true.

8. Analar has operated its aircraft since the early 1980s. All of its pilots and maintenance personnel are trained to operate and maintain Analar's fleet. Analar's spare parts inventory contains more than \$1 million worth of equipment. Replacing Analar's fleet and spare parts inventory is unrealistic for several reasons. First, most of Analar's fleet is owned not by Analar but by our customers and simply managed by Analar. Analar is therefore not in a position to sell these aircraft. Second, even if Analar could purchase new helicopters, it would be a time-intensive process. Analar would have to purchase used aircraft, which requires travel time – possibly overseas – to perform pre-purchase inspections. Third, even if Analar could quickly purchase new “compliant” aircraft, it would take between 6 months and one year to satisfy federal regulatory requirements before Analar could use that aircraft for charter services. Among other requirements, Analar would have to register the new helicopters with the FAA under Analar's licenses; all of Analar's pilots would have to be certified to operate the aircraft; and all of Analar's mechanics would need to be either trained or retrained to service the aircraft. It would be impossible to accomplish all of this before the end of the 2015 summer season. In the interim, Analar's business would be destroyed.

9. Even if Analar could sell its helicopters and replace them with ones that are not deemed “Noisy Aircraft,” there is no guarantee that the Town will not ban helicopters in the future – as was initially proposed by the Town. In this climate of uncertainty, no business of Analar's size could invest the millions of dollars required in a fleet of new helicopters that may be prohibited next season.

Safety Issues

10. The Restrictions also raise serious safety issues that further raise the likelihood of harm to Analar's business. Analar's business model is based on the operation of twin-engine

helicopters, which are generally considered to be the safest helicopters in operation. While Analar has one single-engine helicopter in its fleet – the Bell 206B3 – that aircraft is not typically used in Analar’s charter service but is used primarily for filming and aerial photography. Analar’s clients prefer to travel in the safety of a twin-engine helicopter operated by two pilots. To my knowledge, the Restrictions classify all twin-engine helicopters as “Noisy Aircraft,” with the limited exception of a few models that are either unavailable in the current market or unsuitable for passenger transport.

11. Accordingly, even if Analar could acquire single-engine helicopters that are exempt from the “Noisy Aircraft” standard, it is entirely unclear that our clients would travel in them, causing additional damage to Analar’s entire business model. This is not speculation, but based on Analar’s own experience, as our only single-engine helicopter made less than 3% of Analar’s flights to or from HTO last year.

12. It is deeply troubling that the Restrictions bar the helicopters considered by Analar and its customers (and many in the industry) to be the safest, while exempting from the “Noisy Aircraft” definition certain single-engine helicopters that are considered to be less safe.

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
Princeton, New Jersey



Michael Renz