

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

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.,

MEMORANDUM & ORDER
15-CV-2246(JS)(ARL)

Plaintiffs,

-against-

THE TOWN OF EAST HAMPTON,

Defendant.

-----X

APPEARANCES

For Plaintiffs: Matthew Gage Coogan, Esq.
Jonathan Daniel Lamberti, Esq.
Michael Dayton Longyear, Esq.
Lisa R. Zornberg, Esq.
Lankler Siffert & Wohl LLP
500 Fifth Avenue, 34th Floor
New York, NY 10110

For Defendant: Peter Kirsch, Esq.
Kaplan Kirsch & Rockwell
1675 Broadway, Suite 2300
Denver, CO 80202

William E. Pilsch, Esq.
Kaplan Kirsch & Rockwell
1001 Connecticut Ave, NW, Suite 800
Washington, DC 20912

Eric Bregman, Esq.
Farrell Fritz PC
50 Station Road
Water Mill, NY 11976

For the Committee
To Stop Airport
Expansion:

Thomas P. Ogden, Esq.
Wollmuth Maher & Deutsch
500 Fifth Avenue
New York, NY 10110

SEYBERT, District Judge:

Presently before the Court is non-party the Committee to Stop Airport Expansion's (the "Committee") motion for leave to file an amicus curiae brief. (Docket Entry 52.) For the following reasons, the Committee's motion is DENIED.

"District Courts have broad discretion in deciding whether to accept amicus briefs." Jamaica Hosp. Med. Ctr., Inc. v. United Health Grp., 584 F. Supp. 2d 489, 497 (E.D.N.Y. 2008) (internal quotation marks and citation omitted). "There is no governing standard, rule or statute prescribing the procedure for obtaining leave to file an amicus brief in the district court." Auto. Club of N.Y., Inc. v. Port Auth. of N.Y. & N.J., No. 11-CV-6746, 2011 WL 5865296, at *1 (S.D.N.Y. Nov. 22, 2011) (internal quotation marks and citation omitted). However, district courts in this Circuit have delineated certain circumstances under which an amicus brief is considered "desirable":

An amicus brief should normally be allowed when a party is not represented competently or is not represented at all, when the amicus has an interest in some other case that may be affected by the decision in the present case . . . or when the amicus has unique information or perspective that can help the court beyond the help that lawyers

for the parties are able to provide. Otherwise, leave to file an amicus brief should be denied.

Jamaica Hosp., 584 F. Supp. at 497 (citation omitted).

The Committee urges the Court to accept its proposed amicus brief, arguing that it is "the association that brought the lawsuit that paved the way for the noise-control legislation now at issue." (Committee's Br., Docket Entry 53, at 1-2.) Perhaps the Committee has some insight into this issue. However, the Court finds that the Committee's proposed amicus brief will not aid the Court, as it simply rehashes the parties' arguments regarding the Second Circuit's decision in National Helicopter Corp. v. City of New York, 137 F.3d 81 (2d Cir. 1998). The issues involving National Helicopter were fully briefed and addressed at length by both sides at the May 18, 2015 hearing. The Court is aware of the Committee's position, and there is no need for further supplementation of the arguments regarding this issue through the submission of an amicus brief.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

CONCLUSION

For the foregoing reasons, the Committee's motion for leave to file an amicus curiae brief (Docket Entry 52) is DENIED. The Committee's motion to set an expedited briefing schedule for such brief (Docket Entry 54) is consequently DENIED AS MOOT.

SO ORDERED.

/S/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: June 16, 2015
Central Islip, NY