UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 15-2334-cv(L)

Caption [use short title]

Motion for: Leave to file an amicus brief in support of the Plaintiffs-Appellees-Cross-Appellants.

Friends of East Hampton Airport v. Town of East Hampton

Set forth below precise, complete statement of relief sought:

The General Aviation Manufacturers Association, a global trade association representing the interests of the leading general aviation manufactures, respectfully seeks leave to file the accompanying amicus brief in support of Plaintiffs-Appellees-Cross-Appellants, stating that this Court should reverse the district court's findings regarding the Airport Noise and Capacity Act of 1990 (ANCA) and hold that East Hampton's laws are preempted by ANCA.

MOVING PARTY: General Aviation Manufacturers Association, amicus curiae

☐ Plaintiff ☐ Defendant

☐ Appellant/Petitioner ☐ Appellee/Respondent

OPPOSING PARTY: Town of East Hampton

MOVING ATTORNEY: Lauren Lacey Haertlein

OPPOSING ATTORNEY: Kathleen M. Sullivan

[name of attorney, with firm, address, phone number and e-mail]

General Aviation Manufacturers Association
1400 K Street NW, Suite 801
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Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Avenue, 22d Floor
New York, NY 10010

Court-Judge/Agency appealed from: EDNY, Judge Joanna Seybert

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
☐ Yes ☑ No (explain): Under Fed. R. App. P. 29(a), amicus curiae may seek leave of this Court to file an amicus brief.

Opposing counsel's position on motion:
☐ Unopposed ☐ Opposed ☑ Don't Know

Does opposing counsel intend to file a response:
☐ Yes ☐ No ☑ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? ☐ Yes ☐ No

Has this relief been previously sought in this Court? ☐ Yes ☐ No

Requested return date and explanation of emergency:

Is oral argument on motion requested? ☐ Yes ☑ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☑ No If yes, enter date:

Signature of Moving Attorney:
/s/ Lauren Lacey Haertlein **Date:** Feb. 9, 2015

Service by: ☑ CM/ECF ☐ Other [Attach proof of service]

MOTION FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF BY THE GENERAL AVIATION MANUFACTURERS ASSOCIATION IN SUPPORT OF PLAINTIFFS-APPELLEES-CROSS-APPELLANTS

Pursuant to Fed. R. App. P. 29, the General Aviation Manufacturers Association (GAMA) respectfully requests permission to file an *amicus curiae* brief in support of Plaintiffs-Appellees-Cross-Appellants. In support of this motion, GAMA states that:

1. GAMA is an international trade association representing the leading manufacturers of general aviation aircraft, engines, avionics, and components, as well as operators of maintenance facilities, fixed base operations, aircraft fleets, and pilot and training facilities. GAMA's members are responsible for building nearly all of the general aviation aircraft flying today. The association's mission is to foster and advance the welfare, safety, interests, and activities of general aviation.

2. GAMA and its members have a unique and substantial interest in this case, which presents an issue of whether the Airport Noise and Capacity Act of 1990 (ANCA) is mandatory for all airports, regardless of federal aviation grant status.

3. GAMA believes that the District Court's conclusion that "the only consequences for failing to comply with ANCA's review program" are ineligibility

for federal aviation grant funding and inability to impose passenger facility fees is legally incorrect and threatens the national aviation noise plan that ANCA establishes, which is critical to the development and use of quieter aircraft.

4. GAMA believes that the attached brief provides arguments and insights not discussed by the parties about why the District Court's conclusion regarding the application of ANCA is incorrect.

5. GAMA has a long history of engaging on issues affecting general aviation, specifically including noise and access restrictions. GAMA testified before Congress in the hearings preceding the enactment of ANCA. Additionally, GAMA discusses the technical aspects of federal aviation noise certification standards and the practical implications of the District Court's decision regarding ANCA on the general aviation industry.

6. GAMA's expertise in aircraft manufacturing and aviation technology, as well as specific experience with ANCA, will enhance the Court's understanding of the ANCA issues in this case.

CONCLUSION

For the foregoing reasons, GAMA respectfully requests that the Court grant this motion and enter the attached *Amicus Curiae* brief.

DATED: February 9, 2016

Respectfully submitted,

GENERAL AVIATION

MANUFACTURERS ASSOCIATION

By: /s/Lauren Lacey Haertlein

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PROPOSED BRIEF

15-2334-cv(L)

15-2465-cv(XAP)

IN THE

United States Court of Appeals

FOR THE SECOND CIRCUIT

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., NATIONAL BUSINESS AVIATION ASSOCIATION, INC.,

Plaintiffs-Appellees-Cross-Appellants,

v.

TOWN OF EAST HAMPTON,

Defendant-Appellant-Cross-Appellee.

On Appeal from the United States District Court for the Eastern District of New York in Case No. 2:15-CV-2246-JS-ARL Joanna Seybert, United States District Judge

BRIEF OF *AMICUS CURIAE* GENERAL AVIATION MANUFACTURERS ASSOCIATION IN SUPPORT OF PLAINTIFFS-APPELLEES-CROSS-APPELLANTS

Lauren L. Haertlein
GENERAL AVIATION MANUFACTURERS ASSOCIATION
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202-393-1500

CORPORATE DISCLOSURES

Pursuant to Fed. R. App. P. 26.1, Amicus Curiae General Aviation Manufacturers Association (GAMA) states that GAMA is a not-for-profit trade association representing the interests of the general aviation industry. It has no publicly owned parent corporation, subsidiary, or affiliate, nor has it issued shares or debt securities to the public. Accordingly, no publicly held company owns 10% or more of any stock in GAMA.

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IDENTITY AND INTEREST OF AMICUS CURIAE

Pursuant to Fed. R. App. P. 29 and Local Rule 29.1, the General Aviation Manufacturers Association (GAMA)[1] respectfully submits this brief amicus curiae in support of Plaintiffs-Appellees-Cross-Appellants.

Founded over forty-five years ago, GAMA is an international trade association representing over ninety of the leading manufacturers of general aviation aircraft, engines, avionics,[2] components, as well as operators of maintenance facilities, fixed base operations, aircraft fleets, and pilot and technician training facilities. General aviation encompasses all civilian flying, except for scheduled commercial passenger transport, including business travel, medical transport, aerial firefighting, law enforcement, flight training, search and rescue, and much more. In the United States, general aviation flight hours average almost twenty-three million per year. General aviation supports $219 billion in total economic output in the United States and 1.1 million total jobs.[3]

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[1] Pursuant to Fed. R. App. P. 29(c)(5) and Local Rule 29.1, GAMA states that no party to this case authored any part of this brief, nor did any party or other person contribute funding for the preparation or submission of this brief. GAMA is not aware of any involvement of any member company in the case at bar other than this submission as amicus curiae.

[2] Avionics include radios, navigational equipment, and displays.

[3] PricewaterhouseCooper, Contribution of General Aviation to the US Economy in 2013 11 (2015).

GAMA member companies are responsible for building nearly all of the general aviation aircraft flying worldwide today.[4] GAMA's mission is to foster and advance the general welfare, safety, interests, and activities of general aviation. In this capacity, GAMA has a long history of engaging on legislation and regulations impacting general aviation, including noise and access restrictions. Of particular relevance, then GAMA Vice President and General Counsel Stanley Green testified before the Congressional Subcommittee on Aviation in September 1990 at the Hearing on Federal Aviation Noise preceding the enactment of the Airport Noise and Capacity Act of 1990 (ANCA). Fed. Aviation Noise Policy: Hearings Before the Subcomm. on Aviation of the H. Comm. on Pub. Works & Transp., 101st Cong. (1990) (statement of Stanley J. Green, VP and Gen. Counsel, Gen. Aviation Manufs. Ass'n) [hereinafter "Green Testimony"]. GAMA also was a party to a case against Naples Airport Authority[5] related to City of Naples Airport Auth. v. FAA, 409 F.3d 431, 434 (D.C. Cir. 2005), the only circuit court case of which GAMA is aware that addresses the ANCA provisions at issue in this case,

[4] Pertinent to this case, GAMA member companies include business aircraft manufacturers Bombardier Business Aircraft, Dassault Falcon, Embraer, Gulfstream Aerospace Corporation, ONE Aviation (Eclipse), and Textron Aviation (Hawker, Beechcraft, and Cessna); helicopter manufacturers Airbus Helicopters and Bell Helicopter; and engine manufacturers GE Aviation, Honeywell, Pratt & Whitney, Rolls-Royce, and Williams International.

[5] NBAA v. City of Naples Airport Auth., 162 F. Supp. 2d 1343 (M.D. Fla. 2001).

which concluded that "grants or not, no airport operator can impose a Stage 3 restriction unless the FAA gives its approval."

GAMA's comprehensive expertise in aircraft manufacturing and aviation technology, and specific experience with ANCA, will prove useful to the Court in its consideration of the ANCA issues in this case. The district court incorrectly concluded that "the only consequences for failing to comply with ANCA's review program" are ineligibility for federal aviation grant funding and inability to impose passenger facility fees. This misunderstanding threatens the national aviation noise plan that ANCA establishes, which is essential to the development and use of quieter technology to the benefit of noise reduction nationally.

SUMMARY OF ARGUMENT

ANCA established a national aviation noise policy to prevent a patchwork of local rules for endangering the critical aviation transportation network and hindering the development and use of quieter technology. ANCA can only achieve these goals if it applies to all airports, regardless of federal aviation grant status.

The district court erroneously found that ANCA only serves "to encourage" compliance with ANCA, through eligibility for grant and passenger facility charge restrictions. But the district court failed to read ANCA as a harmonious whole, in light of its statutory purpose. See FDA v. Brown & Williamson Tobacco Corp., 529 U.S. 120, 133 (2000) ("It is a fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme. A court must therefore interpret the statute as a symmetrical and coherent regulatory scheme, and fit . . . all parts into an harmonious whole." (internal quotations and citations omitted)). By its plain language, ANCA clearly establishes a national aviation noise policy mandatory for all public use airports, regardless of federal aviation grant status.

This mandatory nature is critical to ANCA's goal of achieving noise reduction through new technology. Congress enacted ANCA with the recognition that new aviation technology can alleviate community noise concerns. Unlike a patchwork of local restrictions, which may benefit only a limited population,

technological innovations can reduce aviation noise nationally. Under ANCA, the federal government began a coordinated phase out of older, noisier aircraft. At the same time, ANCA incentivized the development and use of newer, quieter aircraft by affording the general aviation industry protections against restrictions applicable to new technologies.

The district court's finding that "the only consequences for failing to comply with ANCA's review program" are ineligibility for federal aviation grant funding and inability to impose passenger facility fees is legally incorrect and threatens ANCA's national noise reduction plan. Developing and operating aircraft with new noise reduction technologies comes at substantial cost to the industry. The national policy established under ANCA prevents local authorities from imposing uncoordinated, technically unjustifiable restrictions that diminish the value of new technologies and disincentivize development and use of them.

ARGUMENT

I. ANCA ESTABLISHES A NATIONAL PROGRAM FOR AIRPORT NOISE AND ACCESS RESTRICTIONS THAT APPLIES TO ALL AIRPORTS, REGARDLESS OF FEDERAL AVIATION GRANT STATUS OR PASSENGER FACILITY CHARGES.

By its plain text, ANCA applies to all public use airports, regardless of whether they are accepting federal grant money and imposing passenger facility charges, or intend to in the future. Government and industry stakeholders have understood ANCA's procedures to be mandatory for all airports since its enactment.

GAMA agrees with the statutory analysis presented in Plaintiffs-Appellees-Cross-Appellants brief. It is well established that courts are to presume the ordinary and reasonable meanings of the words used in statutes, and that if the words are clear and unambiguous, the judicial inquiry is complete. See, e.g., Desert Palace, Inc. v. Costa, 539 U.S. 90, 99 (2003) ("The starting point for this Court's analysis is the statutory text. . . . Where, as here, the statute's words are unambiguous, the judicial inquiry is complete." (internal citations omitted)). In its original phraseology, ANCA directs that "The national aviation noise policy to be established under this subtitle shall require the establishment, by regulation, in accordance with the provisions of this section of a national program for reviewing airport noise and access restrictions on operations of Stage 2 and 3 aircraft."

ANCA § 9304.[6] The plain language of ANCA states that the government was to establish a national program for all airport noise and access restrictions applicable to Stages 2 and 3. See also ANCA § 9304(b) (stating that "[n]o airport noise or access restriction on the operation of a Stage 3 aircraft . . . shall be effective unless" the airport complies with ANCA).

The broader statutory context and Part 161, the program the FAA implemented under ANCA for reviewing airport noise and access restrictions, further support that all airports must comply with ANCA regardless of federal aviation grant status. Reading ANCA as a whole, the consequences for failing to comply with ANCA are not limited to federally obligated airports, but rather applicable to all airports.[7] And Part 161 does not limit its application to airports

[6] As it is recodified, ANCA instructs the Secretary of Transportation to "establish by regulation a national aviation noise policy," 49 U.S.C. § 47523(a), and states that "The national aviation noise policy established under section 47523 of this title shall provide for establishing by regulation a national program for reviewing airport noise and access restrictions on the operation of stage 2 and stage 3 aircraft." Id. Courts presume language changes made during recodification are not substantive alternations unless clearly expressed as such. See, e.g., Walters v. Nat'l Ass'n of Radiation Survivors, 473 U.S. 305, 318 (1985) ("[T]his change was effected without substantive comment, and absent such comment it is generally held that a change during codification is not intended to alter the statute's scope."). There is no indication that Congress intended to substantively alter ANCA when it was recodified at 49 U.S.C. § 47521, et seq.

See infra, Section II(a) for an explanation of noise stages.

[7] ANCA expressly states that the statute does not impose any limitation on the Secretary of Transportation's authority "to seek and obtain legal remedies the Secretary considers appropriate, including injunctive relief." ANCA § 9304(h)(3); 49 U.S.C. § 47533.

accepting federal aviation grant money or imposing passenger facility fees, but rather expressly applies to "all airports." 14 C.F.R. § 161.3.[8]

II. ANCA CREATED A NATIONAL AVIATION NOISE POLICY TO PREVENT A PATCHWORK OF LOCAL RULES THAT WOULD HINDER DEVELOPMENT AND USE OF QUIETER TECHNOLOGY.

Congress enacted ANCA to establish a national noise reduction policy and strike a balance between encouraging efficient use of aircraft in the national airspace system and facilitating an orderly transition to quieter technology to provide relief from aviation noise.

Airport capacity and aviation noise are highly technical and complex issues. The Supreme Court has recognized the importance of deference to "Congressional judgments concerning regulatory schemes of inherent complexity and assessments about the likely interaction of industries undergoing rapid economic and technological change." Turner Broadcasting v. FCC, 520 U.S. 180, 196 (1997). ANCA's "findings" provisions indicate Congress's purpose. In enacting ANCA, Congress found that an aviation "noise policy must be implemented at a national level" because "community noise concerns have led to uncoordinated and inconsistent restrictions on aviation which could impede the national air

[8] Section 161.5 defines "airport" as "any area of land or water, including any heliport, that is used or intended to be used for the landing and takeoff of aircraft, and any appurtenant areas that are used or intended to be used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon."

transportation system." ANCA § 9302; 49 U.S.C. § 47521(2)-(3). Whereas scheduled airlines serve fewer than 500 airports, general aviation aircraft fly to more than 5,000 U.S. public airports. Congress enacted ANCA with the understanding that this critical general aviation transportation network cannot be encumbered by a patchwork system of local rules.

Congress also recognized that community noise "concerns can be alleviated through the use of new technology aircraft." ANCA § 9302; 49 U.S.C. § 47521. Unlike local restrictions, technological innovations in airframe and engine designs have the potential to reduce aircraft noise nationally—and internationally. Uncoordinated local noise restrictions diminish the value of noise reduction technologies and disincentivize the general aviation industry from making the substantial investment necessary to develop and operate them. ANCA can achieve Congress's goal only if it applies to all airports, regardless of federal aviation grant status. See United States v. Powers, 307 U.S. 214, 217 (1939) ("There is a presumption against a construction which would render a statute ineffective or inefficient . . . .") (quoting Bird v. United States, 187 U.S. 118, 124 (1902)).

A. ANCA Utilizes the FAA Noise Certification Standards, Which Are Central to Federal Efforts to Reduce Aviation Noise.

ANCA sets forth procedural requirements with which airports must comply in order to impose restrictions based on federal noise certification standards, which

are central to the federal government's efforts to reduce aviation noise throughout the country.

The FAA regulates the maximum noise level that an individual civil aircraft can emit, based on design criteria, and categorizes aircraft into stages. Stage 1 represents the oldest and loudest aircraft, while Stage 4 represents the most recent and quietest stage for certain airplanes. A separate set of standards exist for helicopters: Stage 3 represents the most recent and most stringent stage for helicopters. The federal government recognizes that it is important not to set noise standards beyond what current technology can achieve. FAA experts work with the international community, including the International Civil Aviation Organization (ICAO)—the United Nations specialized agency responsible for consensus-driven standards for international civil aviation—to develop noise standards.

The general aviation industry has invested significantly in developing quieter aircraft. As the FAA has explained, "manufacturers are constantly adjusting their designs as technology evolves. As a consequence, an aircraft newly certificated this year . . . may be significantly quieter than an aircraft certificated 15 years ago because of advances in technology. Both aircraft are considered Stage 3 because the requirement is a 'not to exceed' standard that sets a maximum noise

level only." Final Rule: Stage 4 Aircraft Noise Standards, 70 Fed. Reg. 38742, 38743 (July 5, 2005).[9]

As new noise reduction technology emerges, the FAA works to develop new standards to encourage its application. In January 2016, the FAA released a draft rulemaking for Stage 5, stating, "This new noise standard would ensure that the noise from new airplane designs continues to decline, and anticipates the incorporation of the latest available noise reduction technology." Notice of Proposed Rulemaking: Stage 5 Airplane Noise Standards, 81 Fed. Reg. 1923, 1925 (Jan. 14, 2016).

As a result of collaborative efforts among industry, the federal government, and international regulatory agencies, progress in aircraft noise reduction has been significant. FAA data shows that the number of people exposed to significant levels of aircraft noise has decreased even as the number of people flying has increased as a result of research and development of technologies that have reduced aviation noise. U.S. Gov't Accountability Office, GAO-08-216T, Aviation and the Environment: Impact of Aviation Noise on Communities Presents Challenges for Airport Operations and Future Growth of the National Airspace System (2007), Fig. 1.

[9] Before the FAA lowered the maximum by adopting Stage 4 for subsonic jets and airplanes and subsonic transport category large, no manufacturer could designate its aircraft as quieter than Stage 3.

B. East Hampton's "Noisy Aircraft" Threshold is Inconsistent with FAA and International Standards.

East Hampton's threshold for "Noisy Aircraft" is inconsistent with federal and international noise standards. Unlike federal standards, East Hampton's law does not take into account aircraft characteristics such as weight, type, category, or actual noise level, and thus restricts aircraft that meet not only Stage 3, but also Stage 4, the most demanding federal noise standard—a cumulative 10 EPNdB less than Stage 3 limits.

The FAA has stated that Stage 4 "ensures that the latest available noise reduction technology is incorporated into new aircraft designs." 70 Fed. Reg. at 38743. One of the plaintiffs operates a Dassault Falcon 7X, manufactured by GAMA member company Dassault Falcon. Certified by the FAA in 2007, the Falcon 7X satisfies the requirements to be a Stage 4 aircraft,[10] but nonetheless qualifies as a "Noisy Aircraft" under East Hampton's threshold. Additionally, another plaintiff operates Sikorsky S-76C+ and C++ helicopters, both of which meet Stage 3 requirements—the most stringent stage currently applicable to helicopters—but also are considered "Noisy Aircraft" under East Hampton's rule.[11]

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[10] See, e.g., Fed. Aviation Admin., AC 36-1H – Noise Levels for U.S. Certified and Foreign Aircraft (Apr. 2, 2012).

[11] Note that these models predated the establishment of Stage 3 for helicopters. See 14 C.F.R. Part 36, Appendices H and J. Noise standards are applied when an aircraft is acquiring its airworthiness certification. Typically, it

As GAMA testified before the Congressional Subcommittee on Aviation in September 1990 at the Hearing on Federal Aviation Noise preceding ANCA's enactment, "a major concern of [the general aviation] industry is that local airport authorities often do not understand the mechanics of FAA noise certification . . . ." Green Testimony at III. By establishing a national noise plan based on uniform federal standards, ANCA aims to achieve effective noise reduction through reasonable, logical, and technically justifiable limits. East Hampton's rules are exactly the kinds of local restrictions ANCA intended to subject to FAA scrutiny and approval.

C. ANCA Prevents a Patchwork of Local Rules That Would Disincentivize Investment in Newer, Quieter Technology and Hinder Progress in National Noise Reduction.

ANCA prevents a patchwork of unreasonable, technically unjustifiable noise restrictions like East Hampton's that put both noise reduction progress and the general aviation industry at risk. The general aviation industry, by its nature, moves among different airports; investment in new technology requires an assurance that this technology will be usable. Uncoordinated, locally-imposed noise restrictions hinder general aviation operations. The national plan ANCA established provides the framework necessary to incentivize the general aviation industry to develop and implement new, noise reduction technologies.

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takes about five years from the date of application for the FAA to certify an aircraft.

As the FAA recognizes, "[n]oise reduction technology does not come without cost and additional operating expense over the average 30-year life of an airplane." 70 Fed. Reg. at 38744. The average age of U.S. registered business jets is about fifteen years and the average age of U.S. registered single engine turbine helicopters is about twenty-two years.[12] Implementing new noise reduction technologies, whether by integrating new, quieter aircraft into the fleet or by retrofitting existing aircraft, poses financial challenges for the aviation industry. For example, the transition from Stage 3 to Stage 4 typically involves a combination of new engines and airframes, requiring a several hundred million dollar investment to develop for each aircraft model.

Under ANCA and new legislation, the FAA began phasing out older, noisier aircraft. ANCA required that after December 31, 1999, all jets over 75,000 pounds operating in the contiguous United States comply with Stage 3, with the promise of protections against restrictions limiting operation of Stage 3 aircraft. More recently, Congress enacted Section 506 of the FAA Modernization and Reform Act of 2012, completing the ban of Stage 2 airplanes operations as of December 31, 2015. The effect of the ban on industry is substantial: over half the airplanes affected by the ban cannot be converted to Stage 3, and, therefore, as of the

[12] Gen. Aviation Manufs. Ass'n, 2014 General Aviation Statistical Databook & 2015 Industry Outlook 32 (2015), available at http://www.gama.aero/files/GAMA_2014_Databook_LRes%20-%20LowRes.pdf.

effective date, have been grounded in the United States. See Final Rule: Adoption of Statutory Prohibition on the Operation of Jets Weighing 75,000 Pounds or Less That Are Not Stage 3 Noise Compliant, 78 Fed. Reg. 39576 (July 2, 2013).

Increased levels of noise certification stringency impose increased research and development costs on airframe and engine manufacturers. In ANCA, Congress struck a critical balance, offering certain protections to manufacturers to incentivize continued development and implementation of noise reduction technologies. ANCA protects investments in those technologies by prohibiting local operators from restricting Stage 3 technology absent FAA review and approval. Without this protection, local rules could result in significant limitations on the usefulness of new aircraft, having a chilling effect on the development and use of new technology.

CONCLUSION

For the reasons stated herein, and those stated in Plaintiffs-Appellees-Cross-Appellants brief, this Court should reverse the district court's finding that the only consequence for violating ANCA is ineligibility for federal aviation grant funds and passenger facility charges and hold that East Hampton's laws are preempted by ANCA.

Dated: Washington, DC

February 9, 2016

Respectfully submitted,

GENERAL AVIATION

MANUFACTURERS ASSOCIATION

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Amicus Curiae

CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of Rule 29(d) of the Fed. R. App. P. because this brief contains 3,261 words, excluding the parts of the brief exempt by Fed. R. App. P. 32(a)(7)(B)(iii). This brief also complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Times New Roman font.

Dated: February 9, 2016 /s/ Lauren Lacey Haertlein

Attorney for Amicus Curiae