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March 4, 2016

VIA ECF

The Honorable Joanna Seybert
United States District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722

Re: *Friends of the East Hampton Airport v. FAA*, 15 Civ. 441 (JS) (ARL)

Dear Judge Seybert:

Following Your Honor's February 29, 2016 Memorandum and Order, Plaintiffs make this application to respectfully propose how this action should proceed and request entry of a briefing schedule.

Counsel for the intervenors, the Town of East Hampton (the "Town") and the Committee to Stop Airport Expansion (the "Committee"), consent to this application and proposed schedule. Counsel for Defendants Federal Aviation Administration and Michael Huerta (collectively, the "FAA") has not yet informed us of the FAA's position, but has informed us that the FAA intends to file a response to this application within the time set forth in Local Rule 37.3.

Our proposal is as follows:

1. We request that the Court so-order the following schedule for dispositive motion practice relating to Plaintiffs' first and second claims for relief:¹

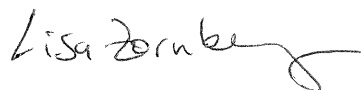
¹ Plaintiffs' first two claims for relief seek a declaration that (1) "Defendants are statutorily obligated to ensure that East Hampton complies with the Nondiscrimination Grant Assurances until September 25, 2021," and (2) "Neither the 2005 Settlement Agreement nor Defendants' interpretation of that Agreement in the Bishop Responses can be a lawful basis, in whole or part, for Defendants' prospective determination of whether and how to enforce the Nondiscrimination Grant Assurances or adjudicate administrative complaints regarding East Hampton Airport," and an injunction directing Defendants to act in accordance with those declarations of law. *See* Complaint at 25.

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- Plaintiffs to file dispositive motion (with regard to first two claims for relief) by **April 1, 2016**;
 - FAA to respond to Plaintiffs' motion and file any cross-motion by **May 2**;
 - The Committee and the Town to file any brief (in accordance with the Court's February 29 ruling) by **June 17**;
 - Plaintiffs to file reply brief and response to any cross-motion(s)/briefing by the FAA, Town or Committee by **July 19**;
 - FAA to file reply in support of any cross-motion by **August 12**.
2. We request that the Court defer briefing as to Plaintiffs' third claim for relief (concerning ANCA),² because that portion of Plaintiffs' suit implicates an issue now on appeal before the Second Circuit Court of Appeals, and we wish to avoid duplication of briefing and litigation of an issue pending before the Circuit.³

Respectfully submitted,



Lisa Zornberg

cc: Shelia Jones, Esq.
Thomas Ogden, Esq.
W. Eric Pilsk, Esq.
AUSA Robert Schumacher

² Plaintiffs' third claim for relief seeks a declaration that "Defendants' stated position [in the Bishop Responses] that East Hampton is not required to comply with ANCA unless it wishes to remain eligible for federal funding is contrary to law."

³ See Brief for Plaintiffs-Appellees-Cross-Appellants, *Friends of the East Hampton Airport v. Town of East Hampton*, 15-2334-cv-(L), 15-2465-cv(XAP) (2d Cir. filed Feb. 3, 2016). The parties' briefing of that issue will be fully submitted to the Second Circuit on April 18, 2016.