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July 28, 2017

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, et al. v. The Town of East Hampton, et al.*, 15 Civ. 2246 (JS) (ARL)

Dear Judge Seybert:

We are counsel to the plaintiffs in the *Friends of East Hampton Airport v. Town of East Hampton*, 15 Civ. 2246 (JS) (ARL)(the “Town Action”) and *Friends of East Hampton Airport v. Federal Aviation Administration*, 15 Civ. 441 (JS)(ARL)(the “FAA Action”), which currently are stayed and pending before Your Honor.

As Your Honor may recall, on November 4, 2016, the Second Circuit Court of Appeals issued its decision on appeal, holding, among other things, that federal law preempts the Town of East Hampton’s (the “Town”) local airport restrictions because the Town enacted those local laws without first complying with the procedural requirements of the Airport Noise and Capacity Act. *Friends of the East Hampton Airport, Inc. v. The Town of East Hampton*, Nos. 15-2334-cv, 15-2465-cv, 2016 WL 6543356 (2d Cir. Nov. 4, 2016). Consistent with the Second Circuit decision, on January 11, 2017, Your Honor entered a preliminary injunction enjoining enforcement of Sections 75-38 and 75-39 of the Town of East Hampton Code. The matter has remained stayed while the Town petitioned the U.S. Supreme Court to review the Second Circuit’s decision. On June 26, 2017, the U.S. Supreme Court denied the Town’s petition for certiorari review of the Second Circuit’s decision.

As the Second Circuit’s decision now is dispositive of Plaintiff’s claims for relief, Plaintiffs, without objection by the Town, respectfully request that the proposed Final Judgment and Permanent Injunction be entered in this action.

Respectfully submitted,



Charles Spada

cc: All counsel of record

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.,

15 CV 2246 (JS)
(ARL)

Plaintiffs,

-against-

THE TOWN OF EAST HAMPTON,

Defendant.

[PROPOSED]
FINAL
JUDGMENT AND
PERMANENT
INJUNCTION

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Having reviewed the Second Circuit’s decision in *Friends of the East Hampton Airport, Inc. v. The Town of East Hampton*, Nos. 15-2334-cv, 15-2465-cv, 2016 WL 6543356 (2d Cir. Nov. 4, 2016), as to which the United States Supreme Court has denied Defendant’s petition for a writ of certiorari, the Court finds that the Second Circuit’s opinion is dispositive of Plaintiffs’ claims for declaratory and injunctive relief and, without objection, enters this FINAL JUDGMENT and PERMANENT INJUNCTION.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. Because Defendant enacted Sections 75-38 and 75-39 of the Town of East Hampton Code without complying with the procedures of 49 U.S.C. § 47524, Sections 75-38 and 75-39 are preempted by federal law and are therefore unenforceable.
2. Defendant and its agents are permanently enjoined from enforcing Local Laws Nos. 3, 4, and 5 of 2015, each adopted on April 16, 2015, as amended by Local Law No. 7

of 2015, adopted on May 7, 2015 (currently codified at Sections 75-38 and 75-39 of the Town of East Hampton Code) unless and until Defendant complies with the requirements of 49 U.S.C. § 47524 as currently enacted or, if the statute is subsequently amended, as amended.

3. The Court shall retain jurisdiction to enforce the terms of the permanent injunction.
4. The parties shall pay their own costs and attorney's fees.

Dated: July __, 2017

Central Islip, New York

Joanna Seybert
United States District Judge