

# ***Judge Blocks Santa Monica from Enforcing Jet Ban; Appeal Expected***

by Brian Bland, FOSP Board member and FOSP Airport Committee member

LOS ANGELES (FOSP) – A federal judge has issued a preliminary injunction against the City of Santa Monica, blocking it from enforcing its ban of C and D jets at Santa Monica Airport (SMO).

Judge George Wu, who earlier issued a temporary restraining order against the city, had been given written briefs by city representatives and a U.S. attorney representing the Federal Aviation Administration. On Friday, May 16, the day after a half-hour hearing on the matter, Wu issued the preliminary injunction. The city will continue to fight the FAA with one or more legal actions as early as this week, including a possible appeal to the U.S. Ninth Circuit Court of Appeals.

The city attorney's office says Wu's action was no surprise, as it was based on procedural grounds and not on the merits of the case. Wu indicated he didn't think much of the merits either, but his questions suggested he hadn't read the city's written briefs.

Wu asked, for example, why the city wasn't targeting class A and B jets in its ban. Deputy City Attorney Lance Gams replied that the overrun danger from the biggest jets far outweighs that of the smaller planes because of the effect such a crash would have on the streets and homes just yards away from the ends of the runway. The distinction seemed lost on Wu. As he did during the hearing on the temporary restraining order, he noted that no jet had overrun SMO's runway, but smaller planes had. That statement ignores the fact that the overruns he cited were contained within the airport property because the planes were smaller, while the outcome of a fast-jet overrun would be very different. His statement also ignores the documented overruns of such jets at airports similar to SMO.

Wu again seemed to indicate he had no appreciation of SMO's unique situation (no overrun areas and surrounded by homes) or why residents were concerned. At one point he asked rhetorically: "Don't planes fall out of the sky all the time?" Hardly a reason for comfort or for ignoring the danger from the C and D planes.

The city attorney's office indicated it may have to deal with Judge Wu yet again if he should be directed to hear the case based on its merits. His attitude at the two hearings so far shows the city would have the handicap of dealing with a judge who seems ready to use a one-size-fits-all approach rather than really consider what's at stake.

The hearing was covered by the Santa Monica Daily Press, the L.A. Times, the Associated Press and KFWB News 98. FOSP board members, who attended both hearings, will continue to stay in touch with the city attorney and the SMO staff to keep you posted. We hope to see you at our annual membership meeting on Saturday, June 14, at 1:30 PM at Mt. Olive Lutheran Church, Ocean Park and 14<sup>th</sup>.