

Aviation & Aerospace

We represent air carriers, airports, business and private aircraft owners and operators, airport vendors, aircraft manufacturers and other aviation and aerospace industry clients on a full range of legal issues. Our experience and client focus gives us a unique depth of understanding of the aviation and aerospace industries. Stinson attorneys leverage their insight to assist clients with transactional, corporate, regulatory and litigation matters.

We often represent aviation and aerospace industry clients at the federal, state and local levels in a wide variety of cases, and advise on general corporate and commercial matters. We have experience representing clients before many federal agencies, and regularly monitor recent legislation, regulations, rulemaking activity and policy statements issued by executive departments and administrative agencies. In matters involving fixed-wing aircrafts, helicopters or unmanned aircraft systems (UAS), we have the industry focus to take on these challenges and deliver high-value legal services.

REGULATORY

Our Aviation and Aerospace regulatory practice involves matters before many federal agencies including the U.S. Department of Transportation (DOT), Federal Aviation Administration (FAA), Department of Homeland Security (DHS), Transportation Security Administration (TSA), and Department of State (DOS), as well as Animal and Plant Health Inspection Service (APHIS), Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), National Transportation Safety Board (NTSB), Patent and Trademark Office (USPTO), Pipeline and Hazardous Materials Safety Administration (PHMSA), Treasury Department Office of Foreign Asset Control (OFAC), and U.S. Coast Guard (USCG).

We regularly monitor legislation, regulations and rulemaking activity, and policy statements issued by executive departments and administrative agencies.

We have experience representing airlines, airports, aircraft owners and operators, corporate flight departments, fixed base operators (FBOs), cargo handlers, and maintenance, repair and overhaul providers (MROs), as well as flight crews and other individual certificate holders on matters including:

- Administrative enforcement actions

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- Administrative rulemaking proceedings
- Federal grant assurances and laws relating to the ownership and operation of airports
- Slots and other airport access issues
- Airport noise controls and litigation
- Challenges to airport rates and charges
- Application of the Anti-Head Tax Act and the Airline Deregulation Act to taxes, fees, charges and other amounts imposed on airport users for access to and use of the airport
- Aircraft registration
- Dangerous goods and hazardous materials transportation
- Economic licensing
- Operator authorizations and approvals
- UAS registration, testing and operation
- U.S. citizenship requirements for ownership of air carrier and helicopter entities

LITIGATION

ADMINISTRATIVE LAW

Our attorneys have decades of experience representing air carriers in challenges to fees, rates, charges, and taxes imposed by federal, state and local governments for use of airports and air traffic control facilities, and with regard to airport compliance with the federal requirements for operation of the airport. Our experience includes:

- Three successive victories in the U.S. Court of Appeals for the DC Circuit challenging hundreds of millions of dollars in user fees imposed by the FAA for the utilization of air traffic control facilities and services by aircraft that do not take off or land in the United States (overflights), persuading three separate appellate panels that the FAA fees failed to comply with the statutory requirement that the ATC user fees be "cost based." *E.g., Air Transport Ass'n of Canada v. FAA*, 323 F.3d 1093 (DC Cir. 2003); *Air Transport Ass'n of Canada v. FAA*, 254 F.3d 1093 (DC Cir. 2001).
- Successful challenge to hundreds of millions of dollars in security screening fees imposed on airlines by the TSA. *Southwest Airlines Co. v. TSA*, 554 F.3d 1065 (DC Cir. 2009).
- Successful representation of airlines before the DOT and two federal court challenges relating to landing fee surcharges imposed at Philadelphia International Airport which violated the Anti-Head Tax Act. *Township of Tinicum v. DOT*, 582 F.3d 482 (3d Cir. 2009).
- Successful representation of airlines before the DOT in administrative case challenging State of Hawaii law requiring airlines to collect and remit agricultural inspection fees.

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- Representation of airlines challenging minimum wage laws at airports as preempted by the Airline Deregulation Act.
- Lead trial and appellate counsel for seven airlines at Los Angeles International Airport (LAX) in successful challenge to hundreds of millions of dollars in airport terminal rate increases under DOT expedited rules for rate challenges. *Alaska Airlines, Inc. v. DOT*, 575 F.3d 750 (DC Cir. 2009). Among other things the court agreed that DOT should consider the monopoly power of an airport in determining whether terminal charges are lawful.
- Representation of major airline in connection with dispute over gate accommodation at Dallas Love Field Airport. *E.g., Southwest Airlines Co. v. DOT*, 832 F.3d 270 (DC Cir, 2016).
- Representation of air carriers in administrative proceedings before the FAA relating to airport compliance with federal grant assurances relating to non-diversion of airport-generated revenue, and the prohibitions against exclusive use of airport facilities and against airports engaging in unjust discrimination.
- Representation of the City of Ontario, California in its years-long successful effort through litigation and other means to secure the transfer of Ontario International Airport from the City of Los Angeles in November 2016, and continued representation of the Ontario International Airport Authority on federal regulatory issues relating to ownership and operation of the airport.
- Representation of airline in challenges to Passenger Facility Charges imposed at Memphis International Airport and Minneapolis-St. Paul International Airport.
- Representation of major aircraft catering companies in disputes with airport authorities over the amount of permit or port fees owed for access to aircraft at the airport to delivered catered items.

PRODUCT LIABILITY LITIGATION

We have extensive experience defending airframe and engine manufacturers, overhaul facilities, Part 135 operators and other commercial aviation interests. A key focus of our Aviation and Aerospace Litigation Practice is on defending products liability claims, warranty matters and complex, aviation-related commercial disputes. We also have experience in FAA administrative actions arising from claimed product failures, poor maintenance and aircrew negligence.

We know and understand fully the products we defend. When we undertake an engagement, we first work closely with our client to learn the design, function, application and limitations of their products before we recommend and execute a litigation strategy. We work closely with trusted, courtroom-proven consultants to visit accident scenes, review wreckage and participate in component inspection and testing. We take an aggressive, hands-on approach to defending cases that, at every stage of litigation, enhances our clients' opportunities for a favorable outcome. To stay abreast of new developments, we attend manufacturer-sponsored training to gain deeper insight into the operation and maintenance nuances of aviation products.

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Our in-depth experience defending a broad range of product design, defect and warranty claims made against leading airframe, engine, avionics and component manufacturers, includes:

- Multi-district litigation based on alleged defects in pneumatic de-icing systems
- Improper maintenance claims
- Airworthiness claims resulting from airframe structural failure
- Claims of fuel system design defects
- Crashworthiness claims of engine failures due to various system designs
- Claimed defects in exhaust systems, propeller systems, turbine engines, fuel controls, vacuum systems avionics and turbo-chargers

COMMERCIAL AND OTHER LITIGATION

In addition to the administrative law and products liability litigation described above, our attorneys have served as trial counsel for a variety of clients worldwide, including:

- Domestic and international commercial airlines in class action and consumer litigation including leading multiple successful defenses of airlines alleged to have acted unlawfully in connection with collection of the Mexican tourism tax (*e.g.*, *Almanza v. ABC Aerolineas de CV (Interjet) et al.*, CV 215-033, 2016 WL 722159 (S.D. Ga. Feb. 19, 2016), *aff'd* 851 F.3d 1060 (11 th Cir. 2017) (dismissing RICO claims); *McMullen v. Delta Air Lines, Inc.*, 361 Fed. App. 757, 2010 WL 55526 (9th Cir. Jan. 5, 2010) (challenge to tax collection preempted by Airline Deregulation Act)); and fending off challenges to airline boarding procedures (*Zammetti v. Southwest Airlines Co.*, No. 8:14-cv-01792 (C.D. Cal. Jan. 2015); *Lowry v. Southwest Airlines Co.*, No. 8:15-cv-00500 (CJC DFMx) (C.D. Cal. Aug. 10, 2015); *Fernald v. Southwest Airlines Co.*, No. 11cv0453 AJB (POR) (S.D. Cal. Sept. 28, 2011)).
- Defense contractors including the successful defense in arbitration of a contract dispute involving a multi-billion-dollar military aircraft equipment program and potentially hundreds of millions of dollars in damages.
- Patent holders in intellectual property litigation relating to airlines and airports including acting as lead counsel for a patent holder in patent infringement litigation against the TSA in the U.S. Court of Federal Claims relating to a patent for security screening at airports throughout the United States (*SecurityPoint Holdings, Inc. v. TSA*, 111 Fed. Cl. 1 (2013) (construction claim for patent relating to security screening at airports)), and representing Singapore Airlines in patent litigation in the Eastern District of Texas relating to a patent relating to scheduling of aircraft.

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TRANSACTIONAL

- We have extensive experience in the regulatory and corporate law aspects of aircraft sales, purchases, fleet acquisitions, and leasing structures. We assist our clients with financing (including pre-delivery financing) of new and used aircraft, engines and parts, lease financing, sale-leasebacks, leveraged transactions, receivables financings, progress payment facilities, and compliance with applicable airworthiness, environmental and safety regulations. We also work on complex legal aspects of cross-border financing lease transactions and asset securitizations, including those involving export credit agencies.
- We assist clients with a wide range of commercial issues and agreements, including airport leases, office leases, construction contracts, ground and ramp handling agreements, fuel agreements, and vendor contracts. We understand the unique issues facing airlines, corporate flight departments, charter operators, aircraft management companies, manufacturers, and other aviation industry companies. Our experience includes the representation of major airlines in negotiation of new lease at Seattle-Tacoma International Airport (2013).
- Additionally, we regularly negotiate and document complex transactions for our U.S. and foreign clients, including mergers, acquisitions and divestitures, stock sales and purchases, joint ventures, strategic alliances, and private equity investments. We also handle general corporate matters for clients with respect to formation, maintenance, and governance of U.S. corporations, limited liability companies, and partnerships.

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RELATED CAPABILITIES

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Product Liability

NEWS

Stephanie Scheck Shares Career Journey, Offers Guidance and Insight in Women's History Month Q&A with *The Legal Intelligencer*

03.11.2024

Wichita Business Journal Highlights Nanette Turner Kalcik's Move to Stinson

03.06.2024

Stinson Adds Experienced Litigator and Trial Attorney to Wichita Office

02.22.2024

Wichita Business Journal Highlights Scheck's Elevation to Office Managing Partner

01.25.2024

Stinson Names Scheck as Wichita Office Managing Partner

01.19.2024

Bloomberg Law Features Goldberg's Insight on Alaska-Hawaiian Airline Deal

01.05.2024

Thomas Salerno named "Top 100 Lawyers in Arizona" by *AZ Business*

12.27.2023

Rose Details Need for Master Supply Agreements in *Law Week Colorado*

09.29.2023

Rose Authors Article About Master Service Agreements, Supply Chain Issues for *Law360*

09.29.2023

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Goldberg Discusses Government Antitrust Scrutiny of Airline Mergers in the *New York Law Journal*
08.30.2023

Dulani Explores His Past, Details Current and Future Goals in *FTCWatch* Article
08.09.2023

Law360 Highlights Jeetander Dulani's Lateral Move to Stinson in DC
06.08.2023

Antitrust and False Claims Act Attorney Jeetander Dulani Joins Stinson in DC
06.05.2023

Acquisition of FAA Part 135 Certificates Detailed by Stinson's Goldberg in *The Air & Space Lawyer*
04.07.2023

Goldberg Opines on Fed's Road Map for Sustainable Aviation Fuel in *Bloomberg Law*
10.28.2022

Legal Issues Facing the Next Generation of Supersonic Aircraft Published in *New York Law Journal*
06.13.2022

Bryan Rose Authors an Article on Master Service Agreements for the Colorado ACC
04.08.2022

Stinson Establishes Infrastructure Task Force to Support Clients
03.08.2022

Roy Goldberg Reviews Infrastructure Funding Priorities in the Transportation Industry for *Law360*
08.02.2021

Roy Goldberg Quoted on Vaccines and Air Travel in *Law360*
04.07.2021

Roy Goldberg Discusses Boeing's DOJ Settlement with the *Wall Street Journal*
01.15.2021

Aerospace Attorney Bryan Rose Joins Stinson LLP in Denver
09.28.2020

Roy Goldberg Quoted on Pandemic Airline Safety Measures in *Law360*
08.12.2020

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Roy Goldberg Quoted on COVID-19 Impact on Airlines in *Law360*

05.20.2020

PUBLICATIONS

Now is Your Chance to be Heard on the FCC's New Proposed Drone Regulations

02.03.2023

Biden Plan Calls for Carbon Neutral Jet Fuel by 2050 With Eye Towards Biofuels

10.03.2022

Can the Dormant Commerce Clause Shield Airlines from Applying State Wage-and-Hour Laws to Employees who Fly Predominately Outside that State?

03.24.2021

Chicago Court Rules Montreal Convention Preempts an Airfare Class Action for Weather-Cancelled Flights

01.21.2021

DC Circuit is Considering Issuance of an Emergency Order to Re-Ground the Boeing 737 MAX Aircraft

12.30.2020

Pandemic Class Action Refund Lawsuits Against Airlines Ignore Long-Standing Precedent

04.13.2020

Are Airlines on the Hook for State and Local Taxes Addressing Homelessness?

02.04.2020

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