

Roy Goldberg

PARTNER

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Roy relies on his extensive experience in the aviation industry to represent airlines and other aviation entities in a wide range of administrative and judicial litigation, including the pursuit of federal preemption defenses in federal and state court cases, defense of class actions, challenges to airport violations of federal grant assurances, litigation over airport rates and charges, challenges to violations of the Anti-Head Tax Act, and patent infringement litigation. He also pursues international trade remedies for clients and represents companies in arbitrations in the United States and other countries.

A business and regulatory litigator focused on aviation, other transportation sectors, and international trade, including antidumping and countervailing duty cases, Roy has first chair trial experience before juries, federal and state court judges, and administrative agencies and before courts of appeal throughout the United States.

Roy draws on his extensive trial experience to counsel companies and individuals facing a wide range of complex legal issues. He helps airlines and other aviation industry entities in regulatory challenges, manufacturers and importers in trade disputes, argues appeals, defends patent holders, and represents companies before arbitration panels throughout the United

PRACTICES & INDUSTRIES

Aviation & Aerospace

Business Litigation

Transportation

Product Liability

Class Action

International

Government Contracts & Investigations

Antitrust

Broadband

Environmental Compliance

Infrastructure Government Contracts &

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States and Europe.

EXPERIENCE

Roy has represented several airlines, aviation trade associations, charter companies, and fixed base operators in 14 C.F.R. part 13 and part 16 administrative litigation before the FAA, to enforce federal grant assurance obligations of airport sponsors.

Roy has represented airline tenants at a major airport in Alaska, challenging the attempt of the airport to require the airline tenants to fund the cleanup of pollution involving PFAS, despite the fact that the airport sponsor failed to take reasonable acts to prevent the environmental damage caused by the use of firefighting foam at the airport.

In 2022, Roy obtained the dismissal of several federal court cases that were filed against multiple airlines alleging that they violated several federal and state laws in connection with their compliance with the Federal Transportation Mask Mandate and is currently defending the dismissal orders in appeals before the Fourth and Fifth Circuits.

In 2021, Roy obtained dismissal of a putative class action against a Mexican airline which canceled flights because of a Polar Vortex freeze by demonstrating that the Montreal Convention preempted the class claims. Roy has also obtained dismissal of putative class claims against several other airlines based on preemption under the Airline Deregulation Act.

Roy has successfully defended several domestic and one international airline in obtaining dismissal of cases filed to challenge the airlines' collection of the Mexican Tourism Tax from allegedly exempt passengers, from 2007 through 2020.

Representation of airlines in disputes before the U.S. Department of Transportation over alleged violations of federal laws and regulations.

Investigations

Infrastructure Task Force

Native American Law & Tribal Governance

Railroad & Aviation Transportation

Real Estate & Construction Infrastructure

Unmanned Aircraft Systems & Autonomous Vehicles

Utility Infrastructure

ADMISSIONS

District of Columbia, 1989

Maryland, 1998

Colorado, 1987

U.S. Supreme Court

U.S. Court of Appeals for the Federal Circuit

U.S. Court of Appeals for the Third and Ninth Circuits

U.S. District Court for the District of Columbia

U.S. District Court for the District of Maryland

U.S. Court of Federal Claims

U.S. Court of Appeals for DC Circuit

U.S. Court of International Trade

EDUCATION

University of Colorado School of Law, J.D., 1987

- Order of the Coif
- *University of Colorado Law Review*

University of Kansas, B.A., 1984

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Representation of airline in the D.C. Circuit challenging DOT's Full Advertising Rule.

Pursuit of patent damages in the U.S. Court of Federal Claims on behalf of the patent-holder of a system used to perform security screening checks at airports in the United States.

Representation of airlines sued for patent infringement.

Roy was instrumental in the successful litigation to obtain the sale of the Ontario International Airport from Los Angeles to local governmental entities in and around Ontario.

Roy represented seven airlines before the DOT and the D.C. Circuit in their successful effort to reduce by hundreds of millions of dollars the rates and charges imposed by Los Angeles International Airport for use of its terminals.

He also represented airlines in successful challenges to user fees imposed by the FAA for air traffic control, the Transportation Security Administration for airport security screening, the State of Hawaii for cargo inspection fees and the Township of Tinicum, Pennsylvania for landing at Philadelphia International Airport.

Roy has represented major airlines in negotiating airport leases and litigated many cases involving patents in the airport and airline industry.

He played a leading role (including two oral arguments before the DC Circuit) in groundbreaking litigation against the first FAA fees for the provision of air traffic control and related services, which can serve as a predicate for future development of ATC user fees, and the potential legal challenge to such fees.

Representation of several airlines in obtaining dismissal of putative class actions alleging claims under antitrust laws, RICO and various state laws for failure to state a claim.

In 2021, Roy led the team that obtained antidumping and countervailing duty tariffs against imports of twist ties from the Peoples' Republic of China.

Roy has represented U.S. manufacturers and foreign exporters in numerous antidumping and countervailing duty cases involving imports of various articles from countries throughout the world, including a special emphasis on cases involving Chinese imports.

Roy represents U.S. importers in U.S. Court of International Trade challenges to the Section 301 tariffs on goods from China and in opposition to the refusal of the federal government to refund Section 301 tariffs which the United States Trade Representative ruled were excluded from the tariffs.

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Representation of protester and intervenor in multiple bid protests before the GAO regarding USAID rule of law contracts in developing countries.

Representation of orthotics company before the GAO in bid protests of Veterans Affairs contracts.

Representation of court reporting company before the GAO in bid protests of contract awards for federal court reporting services.

Representation of helicopter company in GAO protest of award of Army contract for helicopter services.

RECOGNITIONS

Selected to the 2023, 2024 editions of *Best Lawyers in America*©

Who's Who Legal in the Category of USA Transportation Litigation (Contentious), 2021

Part of the *Law360* "Transportation Group of the Year," 2016

PROFESSIONAL & CIVIC ACTIVITIES

Member of the ABA Air and Space Law Forum Governing Committee, 2012 – 2016, and currently on the Editorial Board for the Air and Space Law Forum

ABA Air and Space Law Forum Membership Committee, Co-Chair, 2015 - present

President of the D.C.-based International Aviation Club, April 2020 - March 2021

Wings Club, Member

Aeroclub, Member

NEWS

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

01.05.2024

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

08.30.2023

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

04.07.2023

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

10.28.2022

152 Stinson Attorneys Selected to the 2023 *Best Lawyers in America* List

08.18.2022

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

06.13.2022

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

International Trade Commission Makes Affirmative Finding of Material Injury in Support of Stinson client Bedford Industries, Inc.

03.24.2021

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

01.15.2021

Stinson Receives Successful Preliminary Commerce Department Ruling for Client in Twist Tie Case

11.30.2020

Roy Goldberg Quoted in *Wall Street Journal* Article on Challenges to Currency Manipulation and Other Unfair Trade Practices by China

10.14.2020

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

08.12.2020

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

05.20.2020

SPEAKING ENGAGEMENTS

Panelist, Association of Translation Law Professionals, Annual Meeting, Toronto, June 25-27, 2023 on Antitrust Enforcement and Litigation in the Airline Industry and on Legal Issues relating to the China Balloon Incursion.

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Panelist, [ABA Air and Space Law Forum Update on Airport Part 16 Litigation](#), April 13, 2021

Moderator, ABA Air and Space Law Forum DC Update Litigation Panel, February 25, 2021

Co-Presenter, "Health Care Under the Antitrust Microscope: Product Pricing, Market Entry and Industry Fraternizing are All Under Scrutiny," Recent Developments in Health Care and Life Sciences Law Seminar, Stinson, December 2019

Panelist, "New World Order: Navigating the Arbitration Landscape," American Bar Association Tort Trial and Insurance (TRIP) Aviation and Space Law Committee Conference on "Contemporary Aviation and Space Litigation: A World View," October 2018, Washington, D.C

Luncheon Speaker, "What GA Can Learn from Airline Vigilance in Pursuing Reasonable and Non-discriminatory Airport Fees," AOPA Airport Access Advisory Panel Meeting, October 2018

Panelist, "The Aviation Security Legal Framework: 9/11 to the Present," Federal Bar Association's Transportation Security Law, May 2018

Moderator, "Hot Topics for the Cargo Roundtable: Handle With Care," IATA Legal Symposium, March 2018

"Aviation Litigation Update: Fees, Wage Laws, Airports and Other Challenges," 2015 Forum on Air & Space Law Update Conference, February 2015

"Preemption Revisited," International Air Transport Association Legal Symposium, February 2014

"Strategic Differences Between and Considerations Involving the Choice of Federal and State Jurisdiction," University of Baltimore School of Law, February 2014

PUBLICATIONS

"[Alaska-Hawaiian Airline Deal Is Exposed to Anti-Merger Fervor](#)," *Bloomberg Law*, January 2024

"[Choppy Airspace Awaits Airlines Attempting Mergers in 2024](#)," *Attorney at Law Magazine*, January 2024

Quoted, "[High Court Pork Producers Ruling Could Shape Wage Cases](#)," *Law360*, May 2023

Quoted, "[Backers Hope New Aviation Arbitration Court Blazes A Trail](#)," *Law360*, July 2022

Featured, "[11th Circ. Preemption Ruling May Force Airline-Fees Rethink](#)," *Law360*, February 2022

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"Ten Things to Know About Successful Antidumping and Countervailing Duty Cases," Stinson Insight, March 2021

"The Use of FAA Part 16 to Enforce Federal Grant Assurances Agreed to By Publicly Funded Airports," Stinson White Paper, March 2021

"Can the Dormant Commerce Clause Shield Airlines from Applying State Wage-and-Hour Laws to Employees who Fly Predominately Outside that State?" Stinson Alert, March 24, 2021

Quoted, "ITC Clears The Way For Steep Duties On Chinese Twist Ties," *Law360*, March 2021

"Contractors Should Not Leave Money on the Table: The Federal Circuit Clears the Way for Boeing to Use the Tucker Act to Sue DoD for "Illegal Exaction" in Connection with Contract Costs," *Stinson's Government Contracting Blog*, December 2020

"Recent Cases Involving Arbitration of Aviation Disputes," the Brief, ABA Tort Trial and Insurance Practice Section, Vol. 49, No. 4, Summer 2020

Quoted, "3 Types Of Suits Airlines Are Bracing For Post-Pandemic," *Law360*, May 2020

"California Comeback: Ontario International Airport Is Again Independent and Thriving," American Bar Association *Air and Space Lawyer*, March 2020

"Wyoming Supreme Court Rules that Airport Operator Is Subject to Open Records Law," *Stinson's Government Contracting Blog*, January 2019

"Judicial Beacons Light the Way for Interpreting Airline 'Service' under the ADA," American Bar Association *Air and Space Law Forum*, November 2018

Featured, "Things To Watch In The New FAA Reauthorization," *Law360*, October 2018

Featured, "Kavanaugh's Transportation Rulings Favor Limited Deference," *Law360*, July 2018

Featured, "Drone Test Sites Give States Expanded Regulatory Role," *Law360*, May 2018

Featured, "Provisions to Watch in the House's FAA Reauthorization," *Law360*, April 2018

Featured, "ITC Says Chinese, Thai Rubber Bands Hurting US Industry," *Law360*, March 2018

Featured, "4 Things To Watch In FAA Reauthorization Talks," *Law360*, March 2018

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Featured, "TSA Shield Thickens After 3rd Circ. 1st Amendment Ruling," *Law360*, August 2017

Featured, "Shrinking Airline Seat Size Tests FAA's Regulatory Limits," *Law360*, July 2017

Featured, "Constitutional Questions Prolong Air Traffic Control Debate," *Law360*, July 2017

Featured, "In-Flight E-Cigs Ruling Firms Up DOT Rulemaking Power," *Law360*, July 2017

Featured, "Traveler Angst, New Protocols Free Airlines From Laptop Ban," *Law360*, July 2017

Featured, "New DHS Security Directive Leaves Airlines Holding The Bag," *Law360*, June 2017

Featured, "Carriers, Airports Face New Risks If Laptop Ban Is Expanded," *Law360*, June 2017

"What the High Court May Not Address in Frequent Flyer Case," *Law360*, December 2013

"*Ginsberg v. Northwest*: An Opportunity to Bring the Ninth Circuit into the Fold on ADA Preemption," *The Air & Space Lawyer*, October 2013

"DOT Finds Unjust Discrimination in the Terminal Rents at LAX," *The Transportation Antitrust Update*, December 2007

"A Tale of Two Airports: Why DOT Found Unjust Discrimination Against Airlines at LAX but Not at Newark," *CCH Issues in Aviation Law and Policy*, October 2007

"Airline Challenges to Airport Abuses of Economic Power," *Journal of Air Law and Commerce*, May 2007

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

10.03.2022

The Impact of the New Inflation Reduction Act on Infrastructure Initiatives

08.24.2022

Ten Things to Know About Successful Antidumping and Countervailing Duty Cases

03.29.2021

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

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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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